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सं. 26] नई दिल्ली, जून 21—जून 27, 2009, शनिवार/ज्येष्ठ 31—आषाढ़ 6, 1931
No. 26] NEW DELHI, JUNE 21—JUNE 27, 2009, SATURDAY/JYAISTHA 31—ASADHA 6, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं।
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि और न्याय मंत्रालय
(विधि कार्य विभाग)

नई दिल्ली, 15 जून, 2009

का.आ. 1763.—राष्ट्रपति, श्री एम. रवीन्द्रन, वरिष्ठ अधिवक्ता का दिनांक 6 जून, 2009 (अपराह) से चैन्ने स्थित मद्रास उच्च न्यायालय में भारत के अपर महासालिसिटर के पद से त्यागपत्र स्वीकार करते हैं।

[फा. सं. 18(4)/2008-न्यायिक]

एम. ए. खां यूसुफी, संयुक्त सचिव एवं विधि सलाहकार

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

New Delhi, the 15th June, 2009

S.O. 1763.—The President is pleased to accept the resignation of Shri M. Ravindran, Senior Advocate as

2205 GI/2009

Additional Solicitor General of India in the High Court of Madras at Chennai w.e.f. 6-6-2009 (AN).

[F. No. 18(4)/2008-Judl.]

M.A. KHAN YUSUFI, Jt. Secy. & Legal Adviser

नई दिल्ली, 15 जून, 2009

का.आ. 1764.—राष्ट्रपति, दिनांक 10 जून, 2009 (अपराह) से श्री के. पी. पाठक, वरिष्ठ अधिवक्ता का भारत के उच्चतम न्यायालय में भारत के अपर महासालिसिटर के पद से त्यागपत्र स्वीकार करते हैं।

[फा. सं. 18(5)/2004-न्यायिक]

एम. ए. खां यूसुफी, संयुक्त सचिव एवं विधि सलाहकार

New Delhi, the 15th June, 2009

S.O. 1764.—The President is pleased to accept the resignation of Shri K.P. Pathak, Senior Advocate as

(3639)

Additional Solicitor General of India in the Supreme Court of India w.e.f. 10-6-2009 (AN).

[F. No. 18(5)/2004-Judl.]

M. A. KHAN YUSUFI, Jt. Secy. & Legal Adviser

नई दिल्ली, 15 जून, 2009

का.आ. 1765.—राष्ट्रपति, श्री पराग पी. त्रिपाठी, वरिष्ठ अधिवक्ता का दिनांक 6 जून, 2009 (अपराह) से भारत के उच्चतम न्यायालय में भारत के अपर महासालिसिटर के पद से त्यागपत्र स्वीकार करते हैं।

[फा. सं. 18(8)/2007-न्यायिक]

एम.ए. खां यूसुफी, संयुक्त सचिव एवं विधि सलाहकार

New Delhi, the 15th June, 2009

S.O. 1765.—The President is pleased to accept the resignation of Shri Parag P. Tripathi, Senior Advocate as Additional Solicitor General of India in the Supreme Court of India w.e.f. 6-6-2009 (AN).

[F. No. 18(8)/2007-Judl.]

M. A. KHAN YUSUFI, Jt. Secy. & Legal Adviser

नई दिल्ली, 15 जून, 2009

का.आ. 1766.—राष्ट्रपति, श्री मोहन परासरान, वरिष्ठ अधिवक्ता का दिनांक 5 जून, 2009 (अपराह) से भारत के उच्चतम न्यायालय में भारत के अपर महासालिसिटर के पद से त्यागपत्र स्वीकार करते हैं।

[फा. सं. 18(9)/2004-न्यायिक]

एम. ए. खां यूसुफी, संयुक्त सचिव एवं विधि सलाहकार

New Delhi, the 15th June, 2009

S.O. 1766.—The President is pleased to accept the resignation of Shri Mohan Parasaran, Senior Advocate as Additional Solicitor General of India in the Supreme Court of India w.e.f. 5-6-2009 (AN).

[F. No. 18(9)/2004-Judl.]

M. A. KHAN YUSUFI, Jt. Secy. & Legal Adviser

नई दिल्ली, 18 जून, 2009

का.आ. 1767.—राष्ट्रपति, दिनांक 17 जून, 2009 (अपराह) से डा. अशोक निगम, वरिष्ठ अधिवक्ता का भारत के अपर महासालिसिटर, इलाहाबाद के पद से त्यागपत्र स्वीकार करते हैं।

[फा. सं. 18(7)/2005-न्यायिक]

एम. ए. खां यूसुफी, संयुक्त सचिव एवं विधि सलाहकार

New Delhi, the 18th June, 2009

S.O. 1767.—The President is pleased to accept the resignation of Dr. Ashok Nigam, Senior Advocate as Additional Solicitor General of India, Allahabad w.e.f. 17-6-2009 (AN).

[F. No. 18(7)/2005-Judl.]

M. A. KHAN YUSUFI, Jt. Secy. & Legal Adviser

सर्वोच्च न्यायालय का सचिव

जयपुर, 10 जून, 2009

सं. 02/2009-10

का.आ. 1768.—आयकर नियम, 1962 के नियम 2 सी ए के साथ पठनीय आयकर अधिनियम, 1961 (1961 का 43 वां) की धारा 10 के खण्ड (23सी) की उप-धारा (vi) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर अधिकारी, जयपुर एतद्वारा निर्धारण वर्ष 2007-08 एवं आगे के लिए कथित धारा के उद्देश्य से "इण्डियन इन्स्टीट्यूट ऑफ हेल्थ मैनेजमेंट रिसर्च, जयपुर" को स्वीकृति देते हैं।

क्योंकि कि स्वीकृति आयकर नियम, 1962 के नियम 2 सी ए के साथ पठनीय आयकर अधिनियम, 1961 की धारा 10 के उपखण्ड (23सी) की उप-धारा (vi) के प्रावधानों के अनुकूल कार्य करे।

[क्रमांक: मुसाज/असाआ/(मु.)/जय/10(23सी)
(vi)/09-10/867]

बी. एस. डिल्लों, मुख्य आयकर अधिकारी

OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX

Jaipur, the 10th June, 2009

No. 02/2009-10

S.O. 1768.—In exercise of the powers conferred by sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962 the Chief Commissioner of Income-tax, Jaipur hereby approves "Indian Institute of Health Management Research, Jaipur" for the purpose of said section for the A. Yrs. 2007-08 & onwards.

Provided that the society conforms to and complies with the provisions of sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 read with rule 2CA of the Income-tax Rules, 1962.

[No. CCIT/JPR/Addl. CIT (Hqs)/10(23C)(vi)/2009-10/867]
B. S. DHILLON, Chief Commissioner of Income-tax

परमाणु ऊर्जा विभाग

मुंबई, 11 जून, 2009

का.आ. 1769.—केन्द्रीय सरकार, सरकारी परिसर (अप्रतिष्ठित अधिनियमों की केन्द्रीय) अधिनियम, 1971 (1971 का 40) की

धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, परमाणु उर्जा विभाग, भारत सरकार, भारत के राजपत्र के भाग II, खंड 3, उप-खंड (ii) में प्रकाशित, दिनांक 3-12-1993 के का. आ. सं. 588 की अधिसूचना में निम्नलिखित संशोधन और करती है।

उक्त अधिसूचना में दी गई सारणी के स्थान पर निम्नलिखित सारणी रखी जाएगी, अर्थात् :—

सारणी

अधिकारी का पदनाम	सरकारी परिसर
(1)	(2)
अपर प्रबंधक (प्रशासन), (नरवापहाड़ परियोजना, यूरेनियम कारपोरेशन ऑफ इंडिया लिमिटेड, पी.ओ. नरवापहाड़, जिला : सिंहभूम (पूर्व), झारखंड।	यूरेनियम कारपोरेशन ऑफ इंडिया लिमिटेड, पी.ओ. नरवापहाड़, जिला : सिंहभूम (पूर्व), झारखंड के स्वामित्व वाले अथवा उनके द्वारा पट्टे पर लिए गये परिसर और जो नरवापहाड़ परियोजना के प्रशासनिक नियंत्रण में है।

[फा. सं. 10/8(5)/2009-पीएसयू]

लतिका गोयल, उप सचिव

टिप्पणी : मूल अधिसूचना, दि. 26 फरवरी, 1994 को भारत के राजपत्र के भाग II, खंड 3, उपखंड (ii) में दिनांक 3 दिसम्बर, 1993 की अधिसूचना सं. एसओ 588 द्वारा प्रकाशित हुई थी और बाद में दिनांक 11-5-1999 की अधिसूचना सं. सा.आ.1383 तथा दिनांक 31-10-2003 की अधिसूचना सं. एस. आ. 3195 द्वारा संशोधित की गई थी।

DEPARTMENT OF ATOMIC ENERGY

Mumbai, the 11th June, 2009

S.O. 1769.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Department of Atomic Energy, published in the Gazette of India, Part-II, Section 3, Sub-section (ii) vide number S.O. 588 dated the 3rd December, 1993 namely :—

In the said notification, for the Table, the following Table shall be substituted, namely :—

TABLE

Designation of the Officer	Public Premises
(1)	(2)
Additional Manager (Administration), Narwapahar Project, Uranium Corporation of India Limited, P.O. Narwapahar, District : Singhbhum (East), Jharkhand.	Premises belonging to or taken on lease for the Uranium Corporation of India Limited, P.O. Narwapahar, District : Singhbhum (East), Jharkhand and which are under the administrative control of at Narwapahar Project.

[F. No. 10/8(5)/2009-PSU]

LATHIKA GOEL, Dy. Secy.

Note : The Principal Notification was published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated February 26, 1994 vide Notification No. S.O. 588 dated the December 3, 1993 and was subsequently amended by Notification No. 1383 dated 11-5-1999 and Notification No. S. O. 3195 dated 31-10-2003.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 16 जून, 2009

का.आ. 1770.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त प्रथम अनुसूची में “नागपुर विश्वविद्यालय, नागपुर” और उससे संबंधित प्रविष्टियों के बाद “प्रवर आयुर्विज्ञान संस्थान, (सम विश्वविद्यालय) लोनी, महाराष्ट्र” को जोड़ा जाएगा और “ग्रामीण चिकित्सा कालेज, लोनी, महाराष्ट्र” के सामने शीर्षक “मान्यताप्राप्त चिकित्सा अर्हता” [इसके आगे स्तम्भ (2) के रूप में संदर्भित] के अंतर्गत और शीर्षक “पंजीकरण के लिए संक्षेपण” [इसके आगे स्तम्भ (3) के रूप में संदर्भित] के अंतर्गत निम्नलिखित को रखा जाएगा, अर्थात् :—

मान्यताप्राप्त चिकित्सा अर्हता	पंजीकरण के लिए संक्षेपण
(2)	(3)
आयुर्विज्ञान और शल्य विज्ञान स्नातक	एम बी बी एस (यदि दिसम्बर, 2008 को या इसके बाद प्रदान की गई हो)
संवेदनाहरण डिप्लोमा	डी. ए. (यदि जून, 2007 को या इसके बाद प्रदान की गई हो)
शिशु स्वास्थ्य डिप्लोमा	डी. सी. एच. (यदि जून, 2007 को या इसके बाद प्रदान की गई हो)
निदान विकृति विज्ञान डिप्लोमा	डी. सी. पी. (यदि जून, 2007 को या इसके बाद प्रदान की गई हो)

(2)	(3)
प्रसूति और स्त्री रोग विज्ञान डिप्लोमा	डी. जी. ओ. (यदि जून, 2007 को या इसके बाद प्रदान की गई हो)
नेत्र विज्ञान डिप्लोमा	डी. ओ. (यदि जून, 2007 को या इसके बाद प्रदान की गई हो)
विकलांग विज्ञान डिप्लोमा	डी. आर्चो. (यदि जून, 2007 को या इसके बाद प्रदान की गई हो)
विकिरण निदान डिप्लोमा	डी. एम. आर. डी. (यदि जून, 2007 को या इसके बाद प्रदान की गई हो)
डाक्टर आफ मेडिसिन (संवेदनाहरण विज्ञान)	एम. डी. (एनेस्थे) (यदि मई, 2008 को या इसके बाद प्रदान की गई हो)
डाक्टर आफ मेडिसिन (न्याय चिकित्सा)	एम. डी. (न्याय चिकित्सा) (यदि मई, 2008 को या इसके बाद प्रदान की गई हो)
डाक्टर आफ मेडिसिन (सामान्य चिकित्सा)	एम. डी. (जन. मेडि) (यदि मई, 2008 को या इसके बाद प्रदान की गई हो)
डाक्टर आफ मेडिसिन (सूक्ष्म जीव विज्ञान)	एम. डी. (सूक्ष्म जीव विज्ञान) (यदि मई, 2008 को या इसके बाद प्रदान की गई हो)
डाक्टर आफ मेडिसिन (प्रसूति और स्त्री रोग विज्ञान)	एम. डी. (ऑब्स्ट एंड गनर्नी) (यदि मई, 2008 को या इसके बाद प्रदान की गई हो)
डाक्टर आफ मेडिसिन (बाल चिकित्सा)	एम. एस (बाल चिकित्सा) (यदि मई, 2008 को या इसके बाद प्रदान की गई हो)
डाक्टर आफ मेडिसिन (विकृति विज्ञान)	एम. डी. (चैब) (यदि मई, 2008 को या इसके बाद प्रदान की गई हो)
डाक्टर आफ मेडिसिन (विकिरण निदान)	एम. डी. (आर डी) (यदि मई, 2008 को या इसके बाद प्रदान की गई हो)
डाक्टर आफ मेडिसिन (सामाजिक एवं निवारक आयुर्विज्ञान एवं समुदाय चिकित्सा)	एम. डी. (एस पी एम/कम्यू मेडि) (यदि मई, 2008 को या इसके बाद प्रदान की गई हो)
शल्य क्रिया निष्णात (शरीर रचना विज्ञान)	एम. एस (शरीर रचना विज्ञान) (यदि मई, 2008 को या इसके बाद प्रदान की गई हो)
शल्य क्रिया निष्णात (सामान्य सर्जरी)	एम. एस (जन. सर्ज.) (यदि मई, 2008 को या इसके बाद प्रदान की गई हो)

[फा. सं. यू 120/12/21/2008-एम ई (पी-II)]

के. वी. एस. राव, उप सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 16th June, 2009

S.O. 1770.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely :—

In the said First Schedule after “Nagpur University, Nagpur” and entries relating thereto “Pravara Institute of Medical Sciences (Deemed University), Loni, Maharashtra” shall be added and against “Rural Medical College, Loni, Maharashtra” under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], and under the heading “Abbreviation for Registration” [hereinafter referred to as column (3)], the following shall be inserted namely :—

Recognized Medical Qualification	Abbreviation for Registration
(2)	(3)
Bachelor of Medicine & Bachelor of Surgery	MBBS (when granted on or after December 2008)
Diploma in Anesthesia	D.A. (when granted on or after June, 2007)
Diploma in Child Health	D.C.H. (when granted on or after June, 2007)
Diploma in Clinical Pathology	D.C.P. (when granted on or after June, 2007)

(2)

(3)

Diploma in Obstetrics & Gynaecology
 Diploma in Ophthalmology
 Diploma in Orthopaedics
 Diploma in Radio-Diagnosis
 Doctor of Medicine (Anaesthesiology)
 Doctor of Medicine (Forensic Medicine)
 Doctor of Medicine (General Medicine)
 Doctor of Medicine (Microbiology)
 Doctor of Medicine (Obstetrics & Gynaecology)
 Doctor of Medicine (Paediatrics)
 Doctor of Medicine (Pathology)
 Doctor of Medicine (Radio Diagnosis)
 Doctor of Medicine (Social & Preventive Medicine/
 Community Medicine)
 Master of Surgery (Anatomy)
 Master of Surgery (General Surgery)

D.G.O. (when granted on or after June, 2007)
 D.O. (when granted on or after June, 2007)
 D. Ortho (when granted on or after June, 2007)
 D.M.R.D. (when granted on or after June, 2007)
 M.D. (Anaesth.) (when granted on or after May, 2008)
 M.D. (For. Med.) (when granted on or after May, 2008)
 M.D. (Gen. Med.) (when granted on or after May, 2008)
 M.D. (Mic. Bio.) (when granted on or after May, 2008)
 M.D. (Obst & Gynae.) (when granted on or after May, 2008)
 M.D. (Paed.) (when granted on or after May, 2008)
 M.D. (Path.) (when granted on or after May, 2008)
 M.D. (R.D.) (when granted on or after May, 2008)
 M.D. (S.P.M./Comm.Med.) (when granted on or after May, 2008)
 M.S. (Anat.) (when granted on or after May, 2008)
 M.S. (Gen. Surg.) (when granted on or after May, 2008)

[F. No. U. 12012/21/2008-ME(P-II)]

K. V. S. RAO, Dy. Secy.

रसायन और उर्वरक मंत्रालय

(उर्वरक विभाग)

नई दिल्ली, 2 जून, 2009

का.आ. 1771.—केन्द्रीय सरकार राजभाषा “संघ के शासकीय प्रयोजनों के लिए प्रयोग” नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में रसायन एवं उर्वरक मंत्रालय, उर्वरक विभाग के प्रशासनिक नियंत्रणाधीन एफएसटी के पालक्काडु क्षेत्रीय कार्यालय/कृषि सेवा केन्द्र, जिसके 80 प्रतिशत से अधिक अर्थात् लगभग शत-प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[सं. ई-11011/4/2008-हिन्दी]

सतीश चंद्र, संयुक्त सचिव

MINISTRY OF CHEMICALS AND FERTILIZERS

(Department of Fertilizers)

New Delhi, the 2nd June, 2009

S.O. 1771.—In pursuance of sub-Rule (4) of the Rule 10 of the Official Language “Use for official purposes of the Union” Rule, 1976 the Central Government hereby notifies the office of The Fertilisers and Chemicals Travancore Ltd., Palakkadu Regional Office/Krishi Sewa Kendra under the administrative control of the Ministry of Chemicals and Fertilizers, Department of Fertilizers whereof more than 80% i.e. about 100% staff have acquired the working knowledge of Hindi.

[No. E-11011/4/2008-Hindi]

SATISH CHANDRA, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 9 जून, 2009

का.आ. 1772.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खण्ड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (को) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1) (2)	(3)	(4)
1. आई एस 13849 : 1993	संशोधन संख्या 10, मई, 2009	5 जून, 2009

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

**MINISTRY OF CONSUMER AFFAIRS, FOOD
AND PUBLIC DISTRIBUTION**

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 9th June, 2009

S.O. 1772.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 13849 : 1993	Amendment No. 10, May, 2009	5 June, 2009

Copy of this amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Sc. 'F' & Head (Civil Engg.)

नई दिल्ली, 15 जून, 2009

का.आ. 1773.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खण्ड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक में संशोधन किया गया है :

अनुसूची

क्रम सं.	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 459 : 1992	3 मई, 2009	25 मई, 2009
2.	आई एस 14862 : 2000	3 मई, 2009	26 मई, 2009
3.	आई एस 14871 : 2000	1 मई, 2009	04 जून, 2009

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 15th June, 2009

S.O. 1773.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the amendment to the Indian Standard, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 459 : 1992	3 May, 2009	25 May, 2009
2.	IS 14862 : 2000	3 May, 2009	26 May, 2009
3.	IS 14871 : 2000	1 May, 2009	04 June, 2009

Copy of the amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Sc. 'F' & Head (Civil Engg.)

नई दिल्ली, 15 जून, 2009

का.आ. 1774.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खण्ड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक में संशोधन किया गया है :

अनुसूची

क्रम सं.	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 459 : 1992	3 मई, 2009	25 मई, 2009
2.	आई एस 14862 : 2000	3 मई, 2009	26 मई, 2009
3.	आई एस 14871 : 2000	1 मई, 2009	04 जून, 2009

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 15th June, 2009

S.O. 1774.—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the amendment to the Indian Standard, particulars of which is given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 459 : 1992	3rd May, 2009	25th May, 2009
2.	IS 14862 : 2000	3rd May, 2009	26th May, 2009
3.	IS 14871 : 2000	1st May, 2009	04th June, 2009

Copy of this amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Sc. 'F' & Head (Civil Engg.)

नई दिल्ली, 16 जून, 2009

का.आ. 1775.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खण्ड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)
1. आई एस 2878 : 2004	संशोधन संख्या 6 मई, 2009	10 जून, 2009

नई दिल्ली, 18 जून, 2009

का.आ. 1776.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के विनियम (5) के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या सीएम/एल	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम संबंध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	7371373	कंचन इंटरनेशनल लिमिटेड, यूनिट 3, 9-10, सोमनाथ इंडस्ट्रियल को. ऑ. सोसायटी, सोमनाथ डेअरी के सामने, सोमनाथ रोड, दामेल, दीव दमण-39621	म. मा. 4250 : 1980 फरेलू विद्युत खाद्य भिक्सर (द्रवीकृत और ग्राइण्डर)	20090309

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों, नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 16th June, 2009

S.O. 1775.—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 2878 : 2004	Amendment No. 6 May, 2009	10th June, 2009

Copy of this amendment is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Sc. 'F' & Head (Civil Engg.)

क्रम संख्या	लाइसेंस संख्या सीएम/एल	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम संबंध भारतीय मानक का शीर्षक	रद्द करने की तिथि
2	7852591	पवन अप्लायंसेस, गोडाउन सं. 9, के. वी. कंपाउण्ड, टी जे रोड, स्क्वॉन मिल के सामने, शिवरी, मुम्बई-400015	भ. मा. 4250 : 1980 ब्रेलू लिक्विडिज़र मिक्सर (द्रवीकृत और ग्राइण्डर)।	20090317

[संख्या सीएमडी/13: 13]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 18th June, 2009

S.O. 1776.—In pursuance of Sub-regulation (6) of the Regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences, particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :-

SCHEDULE

Sl. No.	Licence No.	Name and Address of the Licensee	Indian Standards covered by the licence cancelled/suspension	Cancellation
1.	7371373	Kanchan International Ltd., (Unit 3), 9-10, Somnath Industrial Co-operative Society, Opposite Somnath Dairy Farm, Somnath Road, Dabhel Daman & Diu-396210	Liquidizer and Grinder only, Single Phase, 230 V AC, 50 HZ, 550 W, on time 30 Minutes, Class 1 appliances	20090309
2.	7852591	Pavan Appliances Godown No. 9, K. V. Compound, T. J. Road, Opp. Swan Mill, Sewree, Mumbai-400015	500W, 230V, 50 Hz, Class 1 domestic electric food mixer with 1 litre liquidizer, 75ml grinder, and 30 min, Class H insulated motor	20090317

[No. CMD/13: 13]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 18 जून, 2009

का.आ. 1777.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :-

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि, वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा. मा. भाग संख्या	अनु. वर्ष
1.	7932185	20-4-2009	मैसर्स एसार स्टील लिमिटेड, 27, के. एम., सूरत हजीरा रोड, पो. ओ. हजीरा, सूरत 394270	कार्बन स्टील कास्ट बिलेट, इनगोट, बिलेट, ब्लूम तथा स्लेब फार रिलेसिंग इंदू लो टेन्सार्डल स्टकचर्ल स्टील	2831 - -	2001
2.	7931082	20-4-2009	मैसर्स जे. के. लक्ष्मी सीमेंट लिमिटेड, गाँव मोती बोयन, ताल्लुका कल्लोल उत्तर गुजरात, डिस्ट्रिक्ट गांधीनगर	53 ग्रेड ऑडिनरी पोर्टलैंड सीमेंट	12269 - -	1987
3.	7938706	28-4-2009	मैसर्स जे. के. लक्ष्मी सीमेंट लिमिटेड, पोर्टलैंड पोबोल्लना सीमेंट गाँव मोती बोयन, ताल्लुका कल्लोल, फार्ट 1, फल्लक्श बेसड उत्तर गुजरात, डिस्ट्रिक्ट गांधीनगर		1489 1 -	1991

[संख्या सी एम डी./13: 11]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 18th June, 2009

S.O. 1777 .—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address of the party	Title of the Standard	IS No.	Part	Sec	Year
1.	7932185	20-4-2009	Essar Steel Ltd 27 Km, Surat-Hazira Road, P.O. Hazira, Dist Surat 394270	Carbon Steel Cast Billet Ignots, Billets, Blooms and Slabs for Rerolling into Low Tensile Structural Steel	2831	—	—	2001
2.	7931082	20-4-2009	JK Laxmi Cement Ltd. Village-Moti Bhoyan, Taluka- Kalol (N.G.) Dist Gandhinagar	53 Grade Ordinary Portland Cement	12269	—	—	1987
3.	7938706	28-4-2009	JK Laxmi Cement Ltd. Village-Moti Bhoyan, Taluka- Kalol (N.G.) Dist Gandhinagar	Portland pozzolana cement Part-1 Flyash based	14809	1	—	1991

[No. CMD/13:11]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 18 जून, 2009

का.आ. 1778.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम (4) के उप नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

क्रम सं.	लाइसेंस संख्या	चालू तिथि	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक व संबंधित भारतीय मानक
अप्रैल 2009				
1.	3015129	1-4-2009	मैसर्स टोटल वीनर्जी बिटुमेन इंडिया प्रा. लि. सिंगारी रेलवे स्टेशन के पास, ग्राम सिंगारी, तह. रोहट, रोहट, जालौर राष्ट्रीय राजमार्ग, प्लॉट नं. 177/5, पाली 306 421, राजस्थान	8887:2004 बिटुमेन इमल्शन फार रोड्स (काटीयोनीक टाईप)
2.	3015028	8-4-2009	मैसर्स सेटेलाइट केबल्स प्रा. लि. एफ 626, रीको औद्योगिक एरिया, फेज 1, भिवाडी, जिला अलवर 301 019, राजस्थान	694:1990 पीवीसी इन्सुलेटेड केबल्स
3.	3016434	17-4-2009	मैसर्स बोराना इंडस्ट्रीज ई 39, बासनी II फेज, जोधपुर-342 005 राजस्थान	13592:1992 यूपीवीसी पाईप्स फार सोईल व वेस्ट डिस्चार्ज सिस्टमस
4.	3016838	17-4-2009	मैसर्स बच्चू लाल एण्ड सन्स, बजाजा बाजार, अलवर 301 001, राजस्थान	1417:1999 हाल मार्किंग ऑफ गोल्ड ज्वेलरी
5.	3017537	17-4-2009	मैसर्स प्रताप इलेक्ट्रीक मोटर्स, 104, औद्योगिक एरिया, झोटवाडा, जिला जयपुर 302012, राजस्थान	9471 (भाग 5):1980 मोड्यूलर लोवर लिम्ब आर्थोटीक कम्पोनेंट-ज्वाइंट यूनिट नी
6.	3017840	23-4-2009	मैसर्स राधारानी वायर प्रोडक्ट, ए-406 सी, रोड नं. 14, विश्वकर्मा औद्योगिक एरिया, जयपुर 302013, राजस्थान	6003:1983 इन्डेन्टेड वायर फार प्री-कास्ट कंक्रीट
7.	3018539	24-4-2009	मैसर्स बालाजी इंडस्ट्रीज, एच 2/543-ए-एमजीसी, सांगरीया, जिला जोधपुर, राजस्थान	9974 (भाग 1):1981 हाई प्रेसर सोडियम बोपार लेम्प

[संख्या सीएमडी/13:11]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 18th June, 2009

S.O. 1778.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licence No. (CM/L-)	Operative Date	Name and Address of the Licensee	Article/Process Covered by the licences and the relevant IS:Designation
(1)	(2)	(3)	(4)	(5)
April 2009				
(1)	(2)	(3)	(4)	(5)
1	3015129	1-4-2009	M/s. Total Vinergy Bitumen India Pvt. Ltd., Near Singhpuri Railway Station Vill:Singhpuri, Tehsil:Rohat Near Rohat-Jalore Highway, Plot No. 177/5 Pali-306421 (Rajasthan)	8007:2004 Bitumen Emulsion for Roads (Continuous Type)
2	3015028	8-4-2009	M/s. Satellite Cables Private Limited, F-626, RIICO Industrial Area Phase-1, Bhiwadi-301019 Dist. Alwar (Rajasthan)	694:1990 PVC Insulated Cables
3	3016434	17-4-2009	M/s. Borana Industries, E-39, Darsi II Phase Jodhpur-342005 (Rajasthan)	13592:1992 UPVC Pipes for Soil and Waste, Discharge Systems
4	3016838	17-4-2009	M/s. Bachu Lal and Sons, Bajaja Bazar Alwar-301001 (Rajasthan)	1417:1999 Hallmarking of Gold Jewellery
5	3017537	17-4-2009	M/s. Pratap Electric Motors, 104, Industrial Area, Ratwana, Jaipur- 302012 (Rajasthan)	9471 (Part 5):1980 Modular Lower Limb Orthotic Components-Joint Unit, Knee
6	3017840	23-4-2009	M/s. Radha Rani Wire Products, A-406(C), Road No. 14, Vidyanagar Industrial Area Jaipur-302013 (Rajasthan)	6803:1983 Indented Wire for Prestressed Concrete
7	3018539	24-4-2009	M/s. Bahaji Industries, H-2/543-A-M.G.C. Sanganvi, Dist. Jodhpur (Rajasthan)	9974 (Part 1):1981 High Pressure Sodium Vapour Lamps

[No. CMD/13:11]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 18 जून, 2009

क.आ. 1779.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम (4) के उपविधम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे दिए गए हैं, वे स्वीकृत कर दिए गए हैं :-

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा	भाग	अनु	वर्ष
1	2	3	4	5	6	7	8	9
1.	7914688	2009-03-09	आर आर केबल लिमिटेड सर्वे सं. 142/2, मधुबन दानी रोड, सिलवासा, दादरा और नगर हवेली-396240	वेल्डिंग केबल	9857	-	-	1990
2.	7915488	2009-03-18	ऑनसन इलेक्ट्रो मेकैनिक्ल वर्क्स, आगाडी इंडस्ट्रियल इस्टेट, खोत रोड, शेड सं. 5 और 6, सुभाष नगर, जोगेश्वरी-पूर्व, मुंबई-60	खुले कूप सबमरसीबल पम्प	14220	-	-	1994
3.	7915993	2009-03-23	कॉकण टेक्नो सर्विसेस प्लाट सं. डी-53, एम आय डी सी, मालेगांव नासिक, सिन्नर-422113	इलेक्ट्रॉनिक टाइप फन रेग्यूलेटस	11037 :1984			1984
4.	7915892	2009-03-23	कॉकण टेक्नो सर्विसेस प्लाट सं. डी-53, एम आय डी सी, मालेगांव नासिक, सिन्नर-422113	250 वोल्ट और रेटित धारिता 16एम्पीयरस तक के प्लग और साकेट आउटलेटस	1293			2005
5.	7917896	2009-03-31	एस टी आय इंडस्ट्रीज, यूनिट नं. डी/ ग्राउंड फ्लोअर, पार्थ इंडस्ट्रियल इस्टेट, सर्वे सं. 203/2/2 दादरा नगर-396 210	1100 वो तक एवं सहित कार्यकारी वोल्टता के लिए पी वी सी रोडित केबल	694			1990
6.	7920986	2009-03-31	कॉकण टेक्नो सर्विसेस प्लाट सं. डी-53, एम आय डी सी, मालेगांव नासिक, सिन्नर-422 113	घरेलू और समान कार्यों के लिए स्विचे-विशिष्ट	3854			1997

[संख्या सी एम डी/13: 11]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 18th June, 2009

S.O. 1779.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :—

SCHEDULE

Sl. No.	Licence No.	Grant Date	Name and Address of the party	Title of the standards	IS No.	Part	Sec.	Year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	7914688	2009-03-09	R. R. Kabel Limited, Survey No. 142/2, Madhuban Dani Road, Silvassa Dadra and Nagar Haveli-396 240	Welding Cables- Specification	9857	-	-	1990
2.	7915488	2009-03-18	Ansons Electro Mechanical Works Agadi Indl. Estate, Khot Road, Shed No. 5 & 6, Subash Nagar, Jogeshvari (E), Mumbai-60	Openwell Submersible Pumps-Specification	14220	-	-	1994
3.	7915993	2009-03-23	Konkan Techno Services, Plot No. D-53, M.I.D.C., Malegaon, Nashik, Sinnar-422 113	Electronic type fan regulators	11037	-	-	1984
4.	7915892	2009-03-23	Konkan Techno Services Plot No.D-53, M.I.D.C., Malegaon, Nashik, Sinnar- 422113	Plugs and socket outlets of 250 volts and rated current up to 16 amperes	1293	-	-	2005
5.	7917896	2009-03-31	STI Industries, Unit No. D/ Ground Floor, Parth Indl. Estate, Survey No. 203/2/2 Dadra Nagar-396 210	PVC Insulated cables for working voltages up to and including 1100 V	694	-	-	1990
6.	7920986	2009-03-31	Konkan Techno Services, Plot No. D-53, M.I.D.C., Malegaon, Nashik, Sinnar- 422113	Switches for domestic and similar purposes	3854	-	-	1997

[No. CMD/13:11]

P. K. GAMBHIR, Dy. Director General (Marks)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 19 जून, 2009

का.आ. 1780.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पंजाब राज्य में रमन मंडी से हरियाणा राज्य में बहादुरगढ़ तक, पेट्रोलियम तेल के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा 'जी जी एस और उत्पाद निष्क्रमण परियोजना' के कार्यान्वयन हेतु एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में, जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है और जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई भी व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री प्रहलाद सिंह, सक्षम प्राधिकारी, (हरियाणा), हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, गुरु गोबिन्द सिंह रिफाइनरी उत्पाद निष्क्रमण परियोजना, एस सी एफ नं.-29, सैक्टर-6, बहादुरगढ़-124507, हरियाणा को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : बहादुरगढ़		जिला : झज्जर		राज्य : हरियाणा		
गाँव का नाम	हदबस्त संख्या	मुस्तातिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. लोहारहेडी	27	28	गन्ना	00	00	50
			12/1	00	01	77
			19/2	00	08	60
			22	00	09	86
			23/1	00	03	03
	42		20	00	11	38
			21	00	05	81
			22	00	12	39
			23	00	12	39
			24/1	00	04	55

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		42	24/2	00	09	10
			25	00	00	25
	43		2	00	00	25
			3	00	14	67
			4/1	00	01	01
			7	00	12	65
			8	00	00	50
			14	00	02	27
			15/1	00	11	89
			15/2	00	00	75
			16	00	04	30
	45		4	00	01	26
			5	00	12	14
			6/1	00	06	57
	46		10	00	07	84
			11	00	09	36
			12	00	06	07
			18	00	04	04
			19/1	00	06	07
			19/2	00	03	03
			19/3	00	02	78
			22/1	00	00	25
			23	00	14	42
			24	00	00	25
	55		11	00	00	25
			20	00	09	86
			21	00	11	13
			22	00	02	02
	56		3	00	01	77
			4/1	00	06	57
			4/2	00	05	56
			6	00	07	84
			7	00	05	56
			15	00	12	90
			16	00	02	53

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		59	1	00	00	50
			2	00	12	65
			8	00	03	28
			9	00	08	34
			13	00	00	25
			83	00	05	81
			89	00	01	51
			117	00	00	50
			119	00	00	50
			128	00	02	53
			343	00	01	77
			345	00	01	01
			880	00	02	27
2. दहकोरा	26	14	8	00	00	50
			9	00	00	25
			13	00	12	39
			17	00	09	36
			18	00	03	28
			24	00	12	39
			25	00	00	25
		28	4	00	02	27
			5	00	09	10
			6	00	12	14
			15	00	00	75
		29	10	00	00	75
			11	00	13	66
			19	00	02	27
			20	00	08	60
			22	00	12	39
		33	2	00	07	08
			3	00	06	07
			6	00	12	90
			13	00	04	30
			14	00	07	33
			16	00	00	50
			17	00	12	39
			24	00	02	27
			25/1	00	02	78
			25/2	00	07	33

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		50	5	00	11	13
			6/1	00	00	25
			6/2	00	00	25
		51	1/1	00	01	01
			1/2	00	00	25
			1/4	00	01	01
			10	00	12	14
			11	00	08	85
			12	00	03	28
			19	00	12	90
			22	00	05	56
			23	00	08	09
		55	21	00	01	01
		56	3	00	12	90
			4	00	00	25
			7	00	10	37
			8	00	02	78
			14/1	00	11	89
			14/2	00	00	50
			15	00	01	01
			16	00	12	39
			17	00	01	01
			25	00	08	85
		71	1/1	00	05	81
			1/2	00	05	81
			9/1	00	02	53
			9/2	00	04	55
			10/1	00	05	81
			12	00	12	90
			13	00	00	25
			18	00	09	36
			19	00	03	79
			23	00	12	14
			24	00	00	25
		74	3/2	00	01	01
			4	00	11	63
			6	00	02	02
			7	00	11	63
			14	00	00	25
			15	00	11	13

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			146	00	02	27
			147	00	01	77
			153	00	00	50
			166/2	00	01	26
			174	00	00	50
			178	00	00	75
			179	00	02	53
			330	00	00	75
			331	00	01	01
			332	00	01	77
			344	00	00	75
			347	00	00	75
			361	00	01	01
			430	00	00	75
3. आसोदा सिबाल	29	1	25	00	08	09
		4	1	00	04	30
			10	00	10	87
			11	00	11	38
			20	00	11	13
			21	00	10	62
		5	5	00	05	56
			6/1	00	00	25
		7	1	00	07	33
			2	00	02	78
			9/1	00	06	57
			9/2	00	02	78
			10	00	02	02
			12	00	11	38
			19	00	11	38
			22/1	00	01	01
			22/2	00	10	37
		10	2/1	00	08	85
			2/2	00	00	75
			3/1	00	01	01
			3/2	00	02	53
			8	00	12	90
			9	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		10	13	00	06	83
			14	00	06	07
			17	00	12	90
			24/2	00	05	06
			25	00	06	07
		14	5	00	00	25
			126	00	02	02
			279	00	01	26
			280	00	01	26
			281	00	00	50
			282	00	01	01
4. आसौदा टोडरान	28		240	00	01	27
			241	00	07	62
			242	00	10	16
			243	00	11	43
			244	00	02	54
			247	00	01	27
			248	00	11	43
			249	00	07	62
			250	00	12	70
			318	00	06	35
			गम्ता	00	01	27
			गम्ता	00	01	27
			338/1	00	02	54
			340	00	07	62
			348	00	01	27
			351	00	10	16
			352	00	01	27
			353	00	03	81
			356	00	27	94
			360	00	20	32
			362	00	03	81
			363	00	01	27
			367	00	07	62
			377	00	13	97
			378	00	13	97
			408	00	02	54
			409	00	15	24
			410	00	01	27
			411	00	16	51
			412	00	15	24

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			417	00	07	62
			418	00	07	62
			426	00	01	27
			427	00	20	32
			428	00	17	78
			429	00	02	54
			432	00	01	27
			572	00	01	27
			588	00	01	27
			589	00	01	27
			590	00	34	29
			591	00	10	16
			592	00	11	43
			593	00	08	89
			641	00	16	51
			642	00	12	70

[फ. सं. आर-31015/13/2009-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

Ministry of Petroleum & Natural Gas

New Delhi, the 19th June, 2009

S. O. 1780.— Whereas, it appears to the Central Government, that it is necessary in the public interest that for the transportation of Petroleum Products from Raman Mandi in the State of Punjab to Bahadurgarh in the State of Haryana for implementation of "GGSR Products Evacuation Project pipeline from Raman Mandi to Bahadurgarh", should be laid by the Hindustan Petroleum Corporation Limited;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which the copies of this notification issued under sub-section (1) of

Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the Right of User therein or laying of the pipeline under the land, to Shri Prahlad Singh, Competent Authority (Haryana). Hindustan Petroleum Corporation Limited, Guru Gobind Singh Refinery Product Evacuation Project SCF No. – 29, Sector – 6 Market, Bahadurgarh – 124507, Haryana.

SCHEDULE

Tehsil : BAHADURGARH		District : JHAJJAR		State : HARYANA		
Name of Village	Hadbast No.	Mustatil No.	Khaera / Killa No.	Area		
				Hectare	Are	Square Metre
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. LOHARHERI	27	28	Cart Track	00	00	50
			12/1	00	01	77
			19/2	00	08	60
			22	00	09	86
			23/1	00	03	03
		42	20	00	11	38
			21	00	05	81
			22	00	12	39
			23	00	12	39
			24/1	00	04	55
			24/2	00	09	10
		43	25	00	00	25
			2	00	00	25
			3	00	14	67
			4/1	00	01	01
			7	00	12	65
			8	00	00	50
			14	00	02	27
			15/1	00	11	89
			15/2	00	00	75
			16	00	04	30
		45	4	00	01	26
			5	00	12	14
			6/1	00	06	57
		46	10	00	07	84
			11	00	09	36
			12	00	06	07
			18	00	04	04

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		46	19/1	00	06	07
			19/2	00	03	03
			19/3	00	02	78
			22/1	00	00	25
			23	00	14	42
			24	00	00	25
		55	11	00	00	25
			20	00	09	86
			21	00	11	13
			22	00	02	02
		56	3	00	01	77
			4/1	00	06	57
			4/2	00	05	56
			6	00	07	84
			7	00	05	56
			15	00	12	90
			16	00	02	53
		59	1	00	00	50
			2	00	12	65
			8	00	03	28
			9	00	08	34
			13	00	00	25
			83	00	05	81
			89	00	01	51
			117	00	00	50
			119	00	00	50
			128	00	02	53
			343	00	01	77
			345	00	01	01
			880	00	02	27
2. DHAKAURA	26	14	8	00	00	50
			9	00	00	25
			13	00	12	39

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		14	17	00	09	36
			18	00	03	28
			24	00	12	39
			25	00	00	25
		28	4	00	02	27
			5	00	09	10
			6	00	12	14
			15	00	00	75
		29	10	00	00	75
			11	00	13	66
			19	00	02	27
			20	00	08	60
			22	00	12	39
		33	2	00	07	08
			3	00	06	07
			8	00	12	90
			13	00	04	30
			14	00	07	33
			16	00	00	50
			17	00	12	39
			24	00	02	27
			25/1	00	02	78
			25/2	00	07	33
		50	5	00	11	13
			6/1	00	00	25
			6/2	00	00	25
		51	1/1	00	01	01
			1/2	00	00	25
			1/4	00	01	01
			10	00	12	14
			11	00	08	85
			12	00	03	28
			19	00	12	90
			22	00	05	56
			23	00	08	09

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		55	21	00	01	01
		56	3	00	12	90
			4	00	00	25
			7	00	10	37
			8	00	02	78
			14/1	00	11	89
			14/2	00	00	50
			15	00	01	01
			16	00	12	39
			17	00	01	01
			25	00	08	85
		71	1/1	00	05	81
			1/2	00	05	81
			9/1	00	02	53
			9/2	00	04	55
			10/1	00	05	81
			12	00	12	90
			13	00	00	25
			18	00	09	36
			19	00	03	79
			23	00	12	14
			24	00	00	25
		74	3/2	00	01	01
			4	00	11	63
			6	00	02	02
			7	00	11	63
			14	00	00	25
			15	00	11	13
			146	00	02	27
			147	00	01	77
			153	00	00	50
			166/2	00	01	26
			174	00	00	50

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			178	00	00	75
			179	00	02	53
			330	00	00	75
			331	00	01	01
			332	00	01	77
			344	00	00	75
			347	00	00	75
			361	00	01	01
			430	00	00	75
3. ASAUDA SEWAN	29	1	25	00	08	09
		4	1	00	04	30
			10	00	10	87
			11	00	11	38
			20	00	11	13
			21	00	10	62
		5	5	00	05	56
			6/1	00	00	25
		7	1	00	07	33
			2	00	02	78
			9/1	00	06	57
			9/2	00	02	78
			10	00	02	02
			12	00	11	38
			19	00	11	38
			22/1	00	01	01
			22/2	00	10	37
		10	2/1	00	08	85
			2/2	00	00	75
			3/1	00	01	01
			3/2	00	02	53
			8	00	12	90
			9	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		10	13	00	06	83
			14	00	06	07
			17	00	12	90
			24/2	00	05	06
			25	00	06	07
		14	5	00	00	25
			126	00	02	02
			279	00	01	26
			280	00	01	26
			281	00	00	50
			282	00	01	01
4. ASAUDHA TODRAN	28		240	00	01	27
			241	00	07	62
			242	00	10	16
			243	00	11	43
			244	00	02	54
			247	00	01	27
			248	00	11	43
			249	00	07	62
			250	00	12	70
			318	00	06	35
			Cart Track	00	01	27
			Cart Track	00	01	27
			338/1	00	02	54
			340	00	07	62
			348	00	01	27
			351	00	10	16
			352	00	01	27
			353	00	03	81
			356	00	27	94
			360	00	20	32
			362	00	03	81
			363	00	01	27
			367	00	07	62
			377	00	13	97
			378	00	13	97
			408	00	02	54
			409	00	15	24

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			410	00	01	27
			411	00	16	51
			412	00	15	24
			417	00	07	62
			418	00	07	62
			426	00	01	27
			427	00	20	32
			428	00	17	78
			429	00	02	54
			432	00	01	27
			572	00	01	27
			588	00	01	27
			589	00	01	27
			590	00	34	29
			591	00	10	16
			592	00	11	43
			593	00	08	89
			641	00	16	51
			642	00	12	70

[F. No. R-21015/13/2009-O.R.-II]

A. GOSEWAMI, Under Secy

शुक्रवार, 19 जून 2009

क्र. अ. 1781.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि पंजाब राज्य में गमन मंडी में हरियाणा राज्य में बहादुरगढ़ तक, पेट्रोलिएम तेल के परिवहन के लिए हिन्दुस्तान पेट्रोलिएम कॉर्पोरेशन लिमिटेड द्वारा 'जी जी एस और उत्पाद निष्कासन परियोजना' के कार्यान्वयन हेतु एक फाइपलाइन बिछाई जानी चाहिए; और केन्द्रीय सरकार को उक्त फाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में, जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है और जिसमें फाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलिएम और खनिज फाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आदेश की घोषणा करती है;

कोई भी व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में स्तितकृत है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ सार्वजनिक जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे फाइपलाइन बिछाने के संबंध में श्री प्रहलाद सिंह, सहाय प्रबन्धकारी, (हरियाणा), हिन्दुस्तान पेट्रोलिएम कॉर्पोरेशन लिमिटेड, गुरु गोविन्द सिंह रिफाइनरी उत्पाद निष्कासन परियोजना, एम सी एफ नं. - 29, मैकट - 6 मार्केट, बहादुरगढ़ - 124507, हरियाणा को लिखित रूप में आदेश भेज सकेगा।

अनुसूची

तहसील : सिरसा		जिला : सिरसा		राज्य : हरियाणा		
गाँव का नाम	हदबस्त संख्या	मुस्ततिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. सूरतिया	168	27	6	00	12	39
			7	00	12	39
			8	00	04	04
			15	00	00	25
		28	9	00	03	54
			10	00	10	12
			11	00	02	27
			12	00	09	10
			13	00	12	90
			14/1	00	08	34
			14/2	00	02	02
			15	00	00	25
			16/1	00	00	75
			16/2	00	02	27
			16/3	00	09	10
			17	00	03	03
		29	19	00	02	78
			20/1	00	07	59
			20/2	00	05	56
			21	00	00	25
			22	00	10	37
			23	00	12	90
			24	00	07	08
		45	1	00	11	13
			10	00	11	13
			11	00	03	28
			नहर	00	10	62
			20	00	07	33
			21	00	11	13

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		46	4	00	03	79
			5	00	12	14
		60	1	00	10	62
			9	00	00	25
			10	00	11	63
			11	00	03	28
			12	00	12	39
			13	00	07	84
			सडक	00	05	06
			14	00	11	63
			15	00	02	78
			16	00	09	10
			17	00	01	01
		61	17	00	01	01
			18	00	09	61
			19	00	11	63
			20	00	12	65
			23	00	02	78
			24/1	00	11	63
			25	00	12	39
		62	21	00	12	90
			22/1	00	00	25
			22/2	00	05	06
			23	00	00	25
		72	1	00	01	51
			10	00	12	65
			11/1	00	03	79
			11/2	00	06	57
			12/2	00	03	28
			19/1	00	02	02
			19/2	00	10	62
			20	00	00	25
			22	00	07	08
			23	00	05	81

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		73	1/2	00	00	25
			2/1	00	00	25
			2/2	00	03	28
			2/3	00	03	54
			3/1	00	06	57
			3/2	00	06	57
			4	00	09	86
			5	00	11	89
			6	00	00	50
		93	3	00	12	14
			7	00	08	60
			8/1	00	02	27
			8/2	00	01	26
			8/3	00	00	25
			14	00	12	39
			15	00	00	25
			16	00	10	12
			17	00	02	27
			25	00	11	63
		94	21	00	01	51
		99	1	00	10	12
			मडक	00	05	31
			9	00	03	28
			10	00	06	57
			11	00	00	25
			12	00	12	90
			18	00	06	57
			19/1	00	06	83
			19/2	00	00	25
			23	00	10	62
		100	5	00	00	75
		124	3	00	04	30
			4	00	08	34

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		124	6	00	00	25
			7	00	12	65
			14	00	01	77
			15	00	11	38
			16	00	10	12
			25	00	00	25
		125	20	00	02	02
			21	00	10	12
			22/2	00	02	02
			.			
		127	21	00	04	55
			25	00	10	62
		128	1	00	01	77
			2	00	13	91
			3	00	00	25
			8	00	11	63
			9/1	00	03	54
			9/2	00	00	25
			13	00	06	07
			14	00	09	36
			16	00	07	08
			17	00	08	60
		136	1	00	13	15
			2/1	00	02	78
			8	00	01	01
			9	00	14	42
			10	00	00	25
			12	00	00	75
			13	00	05	31
			221	00	01	01
			271	00	02	27
			273	00	03	03
			289	00	00	50

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			294	00	00	75
			295	00	01	25
			308	00	00	75
			309	00	03	03
			533	00	01	26
			722	00	01	01
			729	00	02	53
			745	00	00	75
2. सिंचपुरा	325	59	20	00	06	32
			21/1	00	05	81
			21/2	00	02	78
			22	00	11	38
			23	00	00	25
		63	7	00	02	78
			13	00	07	59
			14	00	14	42
			15	00	01	26
			16	00	13	40
			17	00	00	50
		64	2	00	02	53
			3	00	14	16
			4	00	03	28
			6/1	00	02	27
			6/2	00	04	80
			7	00	10	87
			8	00	00	25
			15	00	05	06
		65	11/1	00	10	37
			11/2	00	01	77
			12	00	00	25
			18	00	04	30
			19	00	13	40
			20	00	00	50

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		65	23	00	08	34
			24	00	11	89
			25	00	00	25
		79	21	00	07	59
			22/2	00	00	75
		80	1	00	04	04
			9	00	09	86
			10	00	10	87
			12	00	05	31
			13	00	13	91
			14	00	01	51
			16	00	08	09
			17	00	12	90
			18	00	00	25
			25	00	06	83
		81	4	00	03	03
			5/1	00	05	81
			5/2	00	06	83
		89	1/2	00	04	55
			2/1	00	07	59
			2/2	00	06	83
			3	00	05	56
			6	00	00	25
			7	00	11	63
			8	00	08	85
			14	00	02	02
			15	00	13	91
			16	00	00	25
		90	11	00	03	03
			19/1	00	02	78
			19/2	00	05	06
			20	00	10	62

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		90	22	00	04	30
			23	00	14	16
			24	00	02	78
		99	21	00	09	61
		100	9	00	01	51
			10	00	14	42
			11	00	00	50
			12	00	12	90
			13	00	07	59
			16	00	00	75
			17	00	13	66
			18	00	06	83
			24	00	00	25
			25	00	12	14
		101	4	00	11	89
			5	00	08	85
			6	00	05	31
		112	1	00	04	55
			2	00	10	12
			3	00	05	56
			6	00	00	25
			7	00	11	63
			8	00	10	12
			14	00	02	02
			15	00	13	66
		113	11	00	06	57
			18/3	00	00	75
			18/4	00	01	01
			19	00	13	66
			20	00	07	84
			22	00	00	50
			23/1	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		113	23/2	00	11	63
			24	00	09	36
		117	20	00	00	25
			21/2	00	10	12
			22	00	03	28
		118	1	00	03	54
			8	00	00	25
			9	00	11	38
			10	00	10	62
			12	00	02	27
			13	00	13	91
			14	00	05	81
			16/2	00	12	90
			17	00	08	85
			25	00	01	26
		119	4	00	04	80
			5	00	14	16
			6/1	00	00	25
		131	2	00	12	14
			3	00	07	08
			7	00	10	62
			8	00	07	84
			14/1	00	01	01
			14/2	00	03	54
			15	00	13	91
			16	00	01	51
		132	11	00	00	50
			20	00	08	85
			165	00	03	54
			166	00	02	27
			168	00	02	02

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			170	00	02	27
			171	00	02	78
			752	00	02	78
			754	00	01	01
			767	00	01	51
			769	00	00	25
			794	00	00	75

[फा. सं. आर-31015/14/2009-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 19th June, 2009

S. O. 1781.— Whereas, it appears to the Central Government, that it is necessary in the public interest that for the transportation of Petroleum Products from Raman Mandi in the State of Punjab to Bahadurgarh in the State of Haryana for implementation of "GGSR Products Evacuation Project pipeline from Raman Mandi to Bahadurgarh", should be laid by the Hindustan Petroleum Corporation Limited;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the Right of User therein or laying of the pipeline under the land, to Shri Prahlad Singh, Competent Authority (Haryana), Hindustan Petroleum Corporation Limited, Guru Gobind Singh Refinery Product Evacuation Project, SCF No. - 29, Sector - 6 Market, Bahadurgarh - 124507, Haryana.

SCHEDULE

Tehsil : SIRSA		District : SIRSA		State : HARYANA		
Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area		
				Hectare	Are	Square Metre
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. SURTIYA	168	27	6	00	12	39
			7	00	12	39
			8	00	04	04
			15	00	00	25
		28	9	00	03	54
			10	00	10	12
			11	00	02	27
			12	00	09	10
			13	00	12	90
			14/1	00	08	34
			14/2	00	02	02
			15	00	00	25
			16/1	00	00	75
			16/2	00	02	27
			16/3	00	09	10
			17	00	03	03
		29	19	00	02	78
			20/1	00	07	59
			20/2	00	05	56
			21	00	00	25
			22	00	10	37
			23	00	12	90
			24	00	07	08
		45	1	00	11	13
			10	00	11	13
			11	00	03	28
			Canal	00	10	62
			20	00	07	33
			21	00	11	13

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		46	4	00	03	79
			5	00	12	14
		60	1	00	10	62
			9	00	00	25
			10	00	11	63
			11	00	03	28
			12	00	12	39
			13	00	07	84
			Road	00	05	06
			14	00	11	63
			15	00	02	78
			16	00	09	10
			17	00	01	01
		61	17	00	01	01
			18	00	09	61
			19	00	11	63
			20	00	12	65
			23	00	02	78
			24/1	00	11	63
			25	00	12	39
		62	21	00	12	90
			22/1	00	00	25
			22/2	00	05	06
			23	00	00	25
		72	1	00	01	51
			10	00	12	65
			11/1	00	03	79
			11/2	00	06	57
			12/2	00	03	28
			19/1	00	02	02
			19/2	00	10	62
			20	00	00	25
			22	00	07	08
			23	00	05	81

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		73	1/2	00	00	25
			2/1	00	00	25
			2/2	00	03	28
			2/3	00	03	54
			3/1	00	06	57
			3/2	00	06	57
			4	00	09	86
			5	00	11	89
			6	00	00	50
		93	3	00	12	14
			7	00	08	60
			8/1	00	02	27
			8/2	00	01	26
			8/3	00	00	25
			14	00	12	39
			15	00	00	25
			16	00	10	12
			17	00	02	27
			25	00	11	63
		94	21	00	01	51
		99	1	00	10	12
			Road	00	05	31
			9	00	03	28
			10	00	06	57
			11	00	00	25
			12	00	12	90
			18	00	06	57
			19/1	00	06	83
			19/2	00	00	25
			23	00	10	62
		100	5	00	00	75
		124	3	00	04	30
			4	00	08	34

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		124	6	00	00	25
			7	00	12	65
			14	00	01	77
			15	00	11	38
			16	00	10	12
			25	00	00	25
		125	20	00	02	02
			21	00	10	12
			22/2	00	02	02
		127	21	00	04	55
			25	00	10	62
		128	1	00	01	77
			2	00	13	91
			3	00	00	25
			8	00	11	63
			9/1	00	03	54
			9/2	00	00	25
			13	00	06	07
			14	00	09	36
			16	00	07	08
			17	00	08	60
		156	1	00	13	15
			2/1	00	02	78
			8	00	01	01
			9	00	14	42
			10	00	00	25
			12	00	00	75
			13	00	05	31
			221	00	01	01
			271	00	02	27
			273	00	03	03
			289	00	00	50

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			294	00	00	75
			295	00	01	25
			308	00	00	75
			309	00	03	03
			533	00	01	26
			722	00	01	01
			729	00	02	53
			745	00	00	75
2. SINGHPURA	325	59	20	00	06	32
			21/1	00	05	81
			21/2	00	02	78
			22	00	11	38
			23	00	00	25
		60	7	00	02	78
			13	00	07	59
			14	00	14	42
			15	00	01	26
			16	00	13	40
			17	00	00	50
		64	2	00	02	53
			3	00	14	16
			4	00	03	28
			6/1	00	02	27
			6/2	00	04	80
			7	00	10	87
			8	00	00	25
			15	00	05	06
		65	11/1	00	10	37
			11/2	00	01	77
			12	00	00	25
			18	00	04	30
			19	00	13	40
			20	00	00	50

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		65	23	00	08	34
			24	00	11	89
			25	00	00	25
		79	21	00	07	59
			22/2	00	00	75
		80	1	00	04	04
			9	00	09	86
			10	00	10	87
			12	00	05	31
			13	00	13	91
			14	00	01	51
			16	00	08	09
			17	00	12	90
			18	00	00	25
			25	00	06	83
		81	4	00	03	03
			5/1	00	05	81
			5/2	00	06	83
		89	1/2	00	04	55
			2/1	00	07	59
			2/2	00	06	83
			3	00	05	56
			6	00	00	25
			7	00	11	63
			8	00	08	85
			14	00	02	02
			15	00	13	91
			16	00	00	25
		90	11	00	03	03
			19/1	00	02	78
			19/2	00	05	06
			20	00	10	62

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		90	22	00	04	30
			23	00	14	16
			24	00	02	78
		99	21	00	09	61
		100	9	00	01	51
			10	00	14	42
			11	00	00	50
			12	00	12	90
			13	00	07	59
			16	00	00	75
			17	00	13	66
			18	00	06	83
			24	00	00	25
			25	00	12	14
		101	4	00	11	89
			5	00	08	85
			6	00	05	31
		112	1	00	04	55
			2	00	10	12
			3	00	05	56
			6	00	00	25
			7	00	11	63
			8	00	10	12
			14	00	02	02
			15	00	13	66
		113	11	00	06	57
			18/3	00	00	75
			18/4	00	01	01
			19	00	13	66
			20	00	07	84
			22	00	00	50
			23/1	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		113	23/2	00	11	63
			24	00	09	36
		117	20	00	00	25
			21/2	00	10	12
			22	00	03	28
		118	1	00	03	54
			8	00	00	25
			9	00	11	38
			10	00	10	62
			12	00	02	27
			13	00	13	91
			14	00	05	81
			16/2	00	12	90
			17	00	08	85
			25	00	01	26
		119	4	00	04	80
			5	00	14	16
			6/1	00	00	25
		131	2	00	12	14
			3	00	07	08
			7	00	10	62
			8	00	07	84
			14/1	00	01	01
			14/2	00	03	54
			15	00	13	91
			16	00	01	51
		132	11	00	00	50
			20	00	08	85
			165	00	03	54
			166	00	02	27
			168	00	02	02

(1)	(2)	(3)	(4)	(5)	(6)	(7)
			170	00	02	27
			171	00	02	78
			752	00	02	78
			754	00	01	01
			767	00	01	51
			769	00	00	25
			794	00	00	75

[F. No. R-31015/14/2009-O.R.-II]

A. GOSWAMI, Under Secy

नई दिल्ली, 19 जून, 2009

का. आ. 1782.— केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि पंजाब राज्य में रमन मंडी से हरियाणा राज्य में बहादुरगढ़ तक, पेट्रोलियम तेल के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा 'जी जी एस आर उत्पाद निष्क्रमण परियोजना' के कार्यान्वयन हेतु एक पाइपलाइन विछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन विछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में, जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है और जिसमें पाइपलाइन विछाई जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई भी व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ माधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन विछाने के संबंध में श्री प्रहलाद सिंह, यक्षम प्राधिकारी, (हरियाणा), हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, गुरु गोविन्द सिंह रिफाइनरी उत्पाद निष्क्रमण परियोजना, एम सी एफ नं. - 29, मैक्टर - 6 मार्केट, बहादुरगढ़ - 124507, हरियाणा को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : रतिया		जिला : फतेहाबाद		राज्य : हरियाणा		
गाँव का नाम	हदबस्त संख्या	मुस्ततिल संख्या	खसरा/ किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. साहरन	109	4	24	00	04	30
		12	4	00	11	13
			6	00	02	02
			7/1	00	10	62
			7/2	00	01	01
			14	00	00	25
			15	00	12	90
		13	11	00	05	81
			20	00	04	30
			51	00	20	74
			63	00	01	51
2. मंढ	108	78	19	00	08	85
			20	00	05	06
			22	00	06	07
			23	00	10	37
			24	00	00	25
		79	3	00	02	78
			4	00	14	42
			5	00	02	02
			6	00	13	15
			7	00	00	25
		80	10	00	05	06
			11	00	10	87
			12	00	09	36

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		80	18	00	10	12
			19	00	07	33
			24	00	11	13
			25	00	01	01
		98	1	00	02	53
			9	00	05	56
			10	00	11	63
			12	00	08	09
			13	00	03	54
			18	00	11	38
			23	00	06	83
			24	00	03	28
		99	4	00	00	75
			5	00	14	16
		104	4	00	11	38
			6	00	02	78
			7	00	09	86
			14	00	00	25
			15	00	11	63
			16	00	11	13
			20	00	00	50
			21	00	09	61
			25	00	01	26
		115	1	00	11	89
			9	00	06	07
			10	00	03	79
			12	00	12	90
			13	00	01	26
			18	00	13	91
			19	00	00	50
			23	00	04	55
			24	00	09	61

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		118	4	00	08	85
			5	00	05	81
			6	00	12	90
			15	00	00	50
		119	10	00	01	51
			11	00	13	66
			12	00	00	25
			19	00	10	62
			20	00	04	04
			22	00	08	85
			23	00	05	56
		128	20	00	04	55
			21	00	13	91
			22	00	00	75
		129	3	00	13	15
			4	00	01	01
			7	00	12	14
			8	00	00	75
			14	00	04	04
			15	00	09	86
			16	00	08	85
		134	1	00	00	75
			2	00	13	15
			8	00	09	10
			9	00	05	31
			13	00	10	12
			14	00	04	04
			16	00	00	50
			17	00	13	66
			24	00	01	51
			25	00	12	65

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		140	5	00	06	07
		141	1	00	08	60
			9	00	03	79
			10	00	10	62
			11	00	00	25
			12/1	00	06	07
			12/2	00	07	33
			13/1	00	00	50
			18	00	12	65
			19	00	01	77
			23	00	02	27
			24	00	05	81
		147	4	00	11	89
			5	00	00	25
			6	00	09	36
			7/2	00	03	03
			15	00	12	14
			16	00	01	51
		148	11	00	00	50
			20	00	10	87
			21	00	11	89
			22	00	01	01
		150	1	00	00	75
			2	00	05	56
			158	00	06	83
			166	00	02	02
			170	00	00	75
			173	00	01	26
			190	00	04	30
			251	00	07	08
			253	00	02	27
			254	00	01	51
			263	00	00	75

(1)	(2)	(3)	(4)	(5)	(6)	(7)
3. हडौली	104	104	17	00	03	79
			24	00	12	90
			25	00	04	04
		139	21	00	11	38
			22/1	00	00	25
		140	5	00	11	38
			6	00	08	85
			15	00	08	60
			16	00	10	87
			25	00	09	61
		142	1	00	03	28
			2	00	14	67
			3	00	04	04
			6	00	00	25
			7	00	10	12
			8/1	00	08	09
			8/2	00	02	27
			9	00	00	25
			14	00	03	79
			15	00	14	42
			16	00	00	25
		143	11	00	03	28
			18	00	00	25
			19	00	10	87
			20	00	10	62
			22	00	03	28
			23	00	14	42
			24	00	03	28
		174	21/1	00	07	84
			21/2	00	02	02
			रामना	00	01	26

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		175	1	00	00	25
			9/2	00	03	54
			10	00	14	42
			11	00	00	25
			12	00	11	13
			13	00	08	60
			16	00	03	03
			17	00	14	16
			18	00	03	28
			24/2	00	00	25
			25	00	09	86
		176	4	00	09	36
			5	00	09	36
			6	00	03	28
		183	1	00	04	55
			2	00	14	42
			3	00	03	03
			7	00	10	12
			8	00	11	38
			9	00	00	25
			14	00	03	79
			15	00	14	42
			16	00	00	25
		184	11	00	03	03
			19	00	09	61
			20	00	11	38
			22	00	04	55
			23	00	10	12
			24	00	05	06
		208	1	00	00	25
			9	00	03	03
			10	00	14	42

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		208	11	00	00	25
			12	00	11	63
			13	00	09	61
			17	00	10	37
			18	00	01	77
			24	00	10	87
			25	00	03	79
		209	4	00	10	37
			5	00	10	37
			6	00	02	78
		220	5	00	13	66
			6	00	00	50
		221	1	00	00	25
			10	00	14	42
			11	00	06	57
			12	00	07	84
			18	00	02	27
			19	00	10	62
			22	00	00	25
			23	00	14	42
			24	00	00	25
		241	20	00	08	60
			21	00	12	39
			22/1	00	01	26
			22/2	00	00	25
		242	3	00	02	53
			4	00	11	38
			6/2	00	02	78
			7	00	11	13
			14	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		242	15	00	12	90
			16	00	02	78
		253	1	00	00	25
			2	00	13	40
			8	00	07	84
			9	00	05	81
			13	00	11	89
			14	00	01	26
			17	00	13	15
			18	00	00	50
			24	00	10	37
			25	00	01	51
		271	11	00	06	57
			19	00	01	01
			20	00	13	15
			21	00	00	75
			22	00	13	15
		272	4	00	01	51
			5	00	04	30
			6	00	11	13
			15	00	07	84
		280	2	00	04	80
			3	00	08	34
			7	00	03	03
			8	00	11	13
			13	00	00	25
			14/1	00	10	12
			14/2	00	02	27
			15	00	00	25
			16	00	10	62
			17	00	03	03
			25/1	00	08	85

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		281	21/1	00	01	01
			21/2	00	02	78
		296	1	00	14	16
			2	00	00	50
			9	00	13	40
			10/1	00	00	50
			10/2	00	00	50
			12	00	05	56
			13	00	07	84
			17	00	01	51
			18	00	11	63
			23	00	00	25
			24/1	00	11	13
			24/2	00	03	03
		304	4	00	03	03
			5/1	00	02	27
			5/2	00	08	34
			6	00	08	85
		305	10	00	04	55
			11	00	13	66
			12	00	00	50
			19	00	12	90
			20	00	01	77
			22	00	06	57
			23	00	07	33
		315	20	00	02	78
			21	00	13	15
			22	00	00	25
		316	3/1	00	06	83
			3/2	00	05	06
			4	00	01	51

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		316	7	00	13	91
			8	00	00	25
			14	00	04	30
			15	00	10	12
			16	00	09	61
		326	1	00	02	02
			2	00	12	39
			8	00	06	57
			9	00	07	33
			13	00	12	65
			14	00	01	26
			17	00	13	15
			18	00	00	50
			24	00	05	31
			25	00	07	84
		333	11	00	04	30
			18	00	05	56
			19	00	13	66
			20	00	08	85
			23	00	05	31
			24	00	13	66
			25	00	06	07
		334	1	00	09	10
			2	00	01	01
			7	00	02	02
			8	00	12	65
			9	00	13	15
			10	00	00	25
			13	00	00	50
			14/1	00	11	38
			14/2	00	00	25
			15	00	12	65
			16	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		335	5	00	09	36
		346	5	00	04	55
		347	1	00	12	39
			2	00	10	37
			3	00	00	25
			7/1	00	09	36
			7/2	00	01	77
			8	00	12	65
			9	00	02	27
			14	00	00	25
			440	00	00	75
			441	00	01	26
			445	00	01	01
			451	00	00	75
			452	00	00	75
			457	00	00	75
			458	00	00	75
			466	00	04	55
			482	00	03	03
			486	00	02	27
			493	00	06	07
			496	00	00	75
			502	00	01	77
			503	00	01	77
			504	00	02	27
			1294	00	02	53
			1311	00	04	55
			1325	00	02	27
			1326	00	00	25
			1337	00	01	26
			1346	00	01	26
			1351	00	01	26

(1)	(2)	(3)	(4)	(5)	(6)	(7)
4. अहरवा	127	206	21	00	12	65
			22	00	11	38
			23/1	00	06	32
			23/2	00	00	25
			24	00	02	27
			25	00	00	25
		206	23	00	03	03
			24/1	00	05	31
			24/2	00	07	08
			25/1	00	05	06
			25/2	00	07	84
		208	2	00	01	01
			3	00	05	56
			4	00	10	12
			5/1	00	06	07
			5/2	00	04	55
		209	1	00	12	14
			2	00	12	65
			3	00	12	39
			4	00	08	60
			6/1	00	08	09
			6/2	00	05	31
			7	00	06	07
			15	00	00	75
		210	10	00	00	75
			11/1	00	12	65
			12/1	00	05	06
			12/2	00	01	26
			17	00	00	75
			18	00	11	63
			19	00	07	59
			23/1	00	01	26

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		210	24	00	12	39
			25/1	00	06	32
		230	21	00	09	61
			22	00	05	56
			23	00	01	51
		231	21	00	12	90
			22/1	00	05	81
			22/2	00	04	30
			23	00	05	31
			24	00	12	39
			25	00	12	14
		232	11	00	12	14
			12	00	03	03
			16/1	00	00	50
			16/2	00	02	27
			17	00	12	39
			18	00	12	90
			19	00	09	86
			20	00	00	50
			24	00	00	75
			25	00	04	04
		233	1/1	00	02	27
			1/2	00	10	12
			7	00	02	27
			8	00	11	63
			9/2	00	11	63
			10/1	00	00	25
			13	00	01	01
			14	00	11	13
			15	00	12	39

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		234	5/1	00	07	08
			5/2	00	00	75
		245	1	00	00	25
			2/1	00	00	25
			2/2	00	02	78
			3	00	06	83
			4/1	00	01	51
			4/2	00	10	12
			5	00	12	39
		246	1	00	12	39
			2	00	12	39
			3	00	12	39
			4	00	12	14
			5	00	07	84
			6	00	03	79
			7	00	00	25
		247	1	00	02	27
			6	00	12	39
			7/1	00	09	61
			7/2	00	02	78
			8	00	12	39
			9	00	12	39
			10	00	09	61
		248	9	00	01	26
			10	00	10	62
			11	00	01	01
			12	00	06	83
			13	00	12	39
			14	00	11	13
			15	00	12	39

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		249	11	00	12	39
			12	00	07	33
			13	00	04	04
			16	00	12	39
			17	00	12	39
			18	00	08	34
			19	00	01	77
		250	17	00	00	75
			18	00	07	33
			19	00	12	39
			20	00	11	63
			22	00	00	25
			23	00	04	30
			24	00	11	13
			25	00	11	38
		251	21	00	12	39
			22/1	00	06	83
			22/2	00	06	57
			23	00	04	80
		253	2	00	00	25
			3	00	06	07
			365/1	00	05	06
			310	00	05	06
			319	00	09	86
			321	00	06	07
			333	00	02	02
			334	00	00	75
			342	00	03	79
			351	00	00	75
			352	00	00	75
			354	00	01	26
			370	00	05	06

Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the Right of User therein or laying of the pipeline under the land, to Shri Prahlad Singh, Competent Authority (Haryana), Hindustan Petroleum Corporation Limited, Guru Gobind Singh Refinery Product Evacuation Project, SCF No. – 29, Sector – 6 Market, Bahadurgarh – 124507, Haryana.

SCHEDULE

Tehsil : RATIA		District : FATEHABAD			State : HARYANA			
Name of Village	Hadbast No.	Mustatil No.	Khasra / Killa No.	Area				
				Hectare	Are	Square Metre		
(1)	(2)	(3)	(4)	(5)	(6)	(7)		
1. SAHARAN	109	4	24	00	04	30		
			4	00	11	13		
		12	6	00	02	02		
			7/1	00	10	62		
			7/2	00	01	01		
			14	00	00	25		
			15	00	12	90		
		13	11	00	05	81		
			20	00	04	30		
			51	00	20	74		
			63	00	01	51		
		2. MADH	108	78	19	00	08	85
					20	00	05	06
					22	00	06	07
					23	00	10	37
24	00				00	25		
79	3			00	02	78		
	4			00	14	42		
	5			00	02	02		
	6			00	13	15		
	7			00	00	25		
80	10			00	05	06		
	11			00	10	87		
	12	00	09	36				

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		80	18	00	10	12
			19	00	07	33
			24	00	11	13
			25	00	01	01
		98	1	00	02	53
			9	00	05	56
			10	00	11	63
			12	00	08	09
			13	00	03	54
			18	00	11	38
			23	00	06	83
			24	00	03	28
		99	4	00	00	75
			5	00	14	16
		104	4	00	11	38
			6	00	02	78
			7	00	09	86
			14	00	00	25
			15	00	11	63
			16	00	11	13
			20	00	00	50
			21	00	09	61
			25	00	01	26
		115	1	00	11	89
			9	00	06	07
			10	00	03	79
			12	00	12	90
			13	00	01	26
			18	00	13	91
			19	00	00	50
			23	00	04	55
			24	00	09	61

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		118	4	00	08	85
			5	00	05	81
			6	00	12	90
			15	00	00	50
		119	10	00	01	51
			11	00	13	66
			12	00	00	25
			19	00	10	62
			20	00	04	04
			22	00	08	85
			23	00	05	56
		128	20	00	04	55
			21	00	13	91
			22	00	00	75
		129	3	00	13	15
			4	00	01	01
			7	00	12	14
			8	00	00	75
			14	00	04	04
			15	00	09	86
			16	00	08	85
		134	1	00	00	75
			2	00	13	15
			8	00	09	10
			9	00	05	31
			13	00	10	12
			14	00	04	04
			16	00	00	50
			17	00	13	66
			24	00	01	51
			25	00	12	65

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		140	5	00	06	07
		141	1	00	08	60
			9	00	03	79
			10	00	10	62
			11	00	00	25
			12/1	00	06	07
			12/2	00	07	33
			13/1	00	00	50
			18	00	12	65
			19	00	01	77
			23	00	02	27
			24	00	05	81
		147	4	00	11	89
			5	00	00	25
			6	00	09	36
			7/2	00	03	03
			15	00	12	14
			16	00	01	51
		148	11	00	00	50
			20	00	10	87
			21	00	11	89
			22	00	01	01
		150	1	00	00	75
			2	00	05	56
			158	00	06	83
			166	00	02	02
			170	00	00	75
			173	00	01	26
			190	00	04	30
			251	00	07	08
			253	00	02	27
			254	00	01	51
			263	00	00	75

(1)	(2)	(3)	(4)	(5)	(6)	(7)
3. HAROLI	104	104	17	00	03	79
			24	00	12	90
			25	00	04	04
		139	21	00	11	38
			22/1	00	00	25
		140	5	00	11	38
			6	00	08	85
			15	00	08	60
			16	00	10	87
			25	00	09	61
		142	1	00	03	28
			2	00	14	67
			3	00	04	04
			6	00	00	25
			7	00	10	12
			8/1	00	08	09
			8/2	00	02	27
			9	00	00	25
			14	00	03	79
			15	00	14	42
			16	00	00	25
		143	11	00	03	28
			18	00	00	25
			19	00	10	87
			20	00	10	62
			22	00	03	28
			23	00	14	42
			24	00	03	28
		174	21/1	00	07	84
			21/2	00	02	02
			Cart Track	00	01	26

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		175	1	00	00	25
			9/2	00	03	54
			10	00	14	42
			11	00	00	25
			12	00	11	13
			13	00	08	60
			16	00	03	03
			17	00	14	16
			18	00	03	28
			24/2	00	00	25
			25	00	09	86
		176	4	00	09	36
			5	00	09	36
			6	00	03	28
		183	1	00	04	55
			2	00	14	42
			3	00	03	03
			7	00	10	12
			8	00	11	38
			9	00	00	25
			14	00	03	79
			15	00	14	42
			16	00	00	25
		184	11	00	03	03
			19	00	09	61
			20	00	11	38
			22	00	04	55
			23	00	10	12
			24	00	05	06
		208	1	00	00	25
			9	00	03	03
			10	00	14	42

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		208	11	00	00	25
			12	00	11	63
			13	00	09	61
			17	00	10	37
			18	00	01	77
			24	00	10	87
			25	00	03	79
		209	4	00	10	37
			5	00	10	37
			6	00	02	78
		220	5	00	13	66
			6	00	00	50
		221	1	00	00	25
			10	00	14	42
			11	00	06	57
			12	00	07	84
			18	00	02	27
			19	00	10	62
			22	00	00	25
			23	00	14	42
			24	00	00	25
		241	20	00	08	60
			21	00	12	39
			22/1	00	01	26
			22/2	00	00	25
		242	3	00	02	53
			4	00	11	38
			6/2	00	02	78
			7	00	11	13
			14	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		242	15	00	12	90
			16	00	02	78
		253	1	00	00	25
			2	00	13	40
			8	00	07	84
			9	00	05	81
			13	00	11	89
			14	00	01	26
			17	00	13	15
			18	00	00	50
			24	00	10	37
			25	00	01	51
		271	11	00	06	57
			19	00	01	01
			20	00	13	15
			21	00	00	75
			22	00	13	15
		272	4	00	01	51
			5	00	04	30
			6	00	11	13
			15	00	07	84
		280	2	00	04	80
			3	00	08	34
			7	00	03	03
			8	00	11	13
			13	00	00	25
			14/1	00	10	12
			14/2	00	02	27
			15	00	00	25
			16	00	10	62
			17	00	03	03
			25/1	00	08	85

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		281	21/1	00	01	01
			21/2	00	02	78
		296	1	00	14	16
			2	00	00	50
			9	00	13	40
			10/1	00	00	50
			10/2	00	00	50
			12	00	05	56
			13	00	07	84
			17	00	01	51
			18	00	11	63
			23	00	00	25
			24/1	00	11	13
			24/2	00	03	03
		304	4	00	03	03
			5/1	00	02	27
			5/2	00	08	34
			6	00	08	85
		305	10	00	04	55
			11	00	13	66
			12	00	00	50
			19	00	12	90
			20	00	01	77
			22	00	06	57
			23	00	07	33
		315	20	00	02	78
			21	00	13	15
			22	00	00	25
		316	3/1	00	06	83
			3/2	00	05	06
			4	00	01	51

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		316	7	00	13	91
			8	00	00	25
			14	00	04	30
			15	00	10	12
			16	00	09	61
		326	1	00	02	02
			2	00	12	39
			8	00	06	57
			9	00	07	33
			13	00	12	65
			14	00	01	26
			17	00	13	15
			18	00	00	50
			24	00	05	31
			25	00	07	84
		333	11	00	04	30
			18	00	05	56
			19	00	13	66
			20	00	08	85
			23	00	05	31
			24	00	13	66
			25	00	06	07
		334	1	00	09	10
			2	00	01	01
			7	00	02	02
			8	00	12	65
			9	00	13	15
			10	00	00	25
			13	00	00	50
			14/1	00	11	38
			14/2	00	00	25
			15	00	12	65
			16	00	00	25

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		335	5	00	09	36
		346	5	00	04	55
		347	1	00	12	39
			2	00	10	37
			3	00	00	25
			7/1	00	09	36
			7/2	00	01	77
			8	00	12	65
			9	00	02	27
			14	00	00	25
			440	00	00	75
			441	00	01	26
			445	00	01	01
			451	00	00	75
			452	00	00	75
			457	00	00	75
			458	00	00	75
			466	00	04	55
			482	00	03	03
			486	00	02	27
			493	00	06	07
			496	00	00	75
			502	00	01	77
			503	00	01	77
			504	00	02	27
			1294	00	02	53
			1311	00	04	55
			1325	00	02	27
			1326	00	00	25
			1337	00	01	26
			1346	00	01	26
			1351	00	01	26

(1)	(2)	(3)	(4)	(5)	(6)	(7)
4. AHEARWA	127	205	21	00	12	65
			22	00	11	38
			23/1	00	06	32
			23/2	00	00	25
			24	00	02	27
			25	00	00	25
		206	23	00	03	03
			24/1	00	05	31
			24/2	00	07	08
			25/1	00	05	06
			25/2	00	07	84
		208	2	00	01	01
			3	00	05	56
			4	00	10	12
			5/1	00	06	07
			5/2	00	04	55
		209	1	00	12	14
			2	00	12	65
			3	00	12	39
			4	00	08	60
			6/1	00	08	09
			6/2	00	05	31
			7	00	06	07
			15	00	00	75
		210	10	00	00	75
			11/1	00	12	65
			12/1	00	05	06
			12/2	00	01	26
			17	00	00	75
			18	00	11	63
			19	00	07	59
			23/1	00	01	26

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		210	24	00	12	39
			25/1	00	06	32
		230	21	00	09	61
			22	00	05	56
			23	00	01	51
		231	21	00	12	90
			22/1	00	05	81
			22/2	00	04	30
			23	00	05	31
			24	00	12	39
			25	00	12	14
		232	11	00	12	14
			12	00	03	03
			16/1	00	00	50
			16/2	00	02	27
			17	00	12	39
			18	00	12	90
			19	00	09	86
			20	00	00	50
			24	00	00	75
			25	00	04	04
		233	1/1	00	02	27
			1/2	00	10	12
			7	00	02	27
			8	00	11	63
			9/2	00	11	63
			10/1	00	00	25
			13	00	01	01
			14	00	11	13
			15	00	12	39

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		234	5/1	00	07	08
			5/2	00	00	75
		245	1	00	00	25
			2/1	00	00	25
			2/2	00	02	78
			3	00	06	83
			4/1	00	01	51
			4/2	00	10	12
			5	00	12	39
		246	1	00	12	39
			2	00	12	39
			3	00	12	39
			4	00	12	14
			5	00	07	84
			6	00	03	79
			7	00	00	25
		247	1	00	02	27
			6	00	12	39
			7/1	00	09	61
			7/2	00	02	78
			8	00	12	39
			9	00	12	39
			10	00	09	61
		248	9	00	01	26
			10	00	10	62
			11	00	01	01
			12	00	06	83
			13	00	12	39
			14	00	11	13
			15	00	12	39
		249	11	00	12	39
			12	00	07	33
			13	00	04	04
			16	00	12	39
			17	00	12	39
			18	00	08	34
			19	00	01	77

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		250	17	00	00	75
			18	00	07	33
			19	00	12	39
			20	00	11	63
			22	00	00	25
			23	00	04	30
			24	00	11	13
		251	25	00	11	38
			21	00	12	39
			22/1	00	06	83
			22/2	00	06	57
		253	23	00	04	80
			2	00	00	25
			3	00	06	07
			365/1	00	05	06
			310	00	05	06
			319	00	09	86
			321	00	06	07
			333	00	02	02
			334	00	00	75
			342	00	03	79
			351	00	00	75
			352	00	00	75
			354	00	01	26
			370	00	05	06
5. SHEKHUPUR SOTAR	140	10	24	00	00	25
		17	21	00	12	65
			22	00	12	39
			23	00	05	06
		18	11	00	00	50
			16	00	00	25
			17	00	06	32
			18/1	00	11	38
			18/2	00	00	75
			19	00	12	39
			20	00	12	39
			23/2	00	00	25
			24	00	06	32
			25	00	11	13

(1)	(2)	(3)	(4)	(5)	(6)	(7)
		19	9	00	00	50
			10	00	07	08
			11	00	05	06
			12	00	12	39
			13/1	00	07	84
			13/2	00	05	06
			14	00	12	65
			15	00	08	34
			16	00	05	06
			17	00	00	25
		20	1	00	12	90
			2	00	07	33
			3	00	00	25
			6	00	11	63
			7	00	12	39
			8	00	12	39
			9	00	06	07
			10	00	00	25
			15	00	00	25
		21	3	00	00	75
			4	00	12	14
			5	00	12	39
			48	00	01	01
			49	00	01	77
			52	00	01	26
			148/1	00	01	01
6. PALSAR	84	47	24/1	00	01	26
			24/2	00	01	26
		53	3	00	03	79
			4	00	13	66
			66	00	01	77

नई दिल्ली, 19 जून, 2009

का. आ. 1783.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2702 तारीख 24 सितम्बर, 2008, जो भारत के राजपत्र तारीख 27 सितम्बर, 2008 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुजरात राज्य में वाडीनार संस्थापन से मध्यप्रदेश राज्य में बीना तक कच्चे पेट्रोलियम उत्पादों के परिवहन के लिए वाडीनार-बीना पाइपलाइन परियोजना के माध्यम से भारत ओमान रिफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 29 नवम्बर, 2008 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत ओमान रिफाइनरीज लिमिटेड में निहित होगा ।

अनुसूची

तहसील : राघौगढ़		जिला : गुना	राज्य : मध्यप्रदेश
क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	कजालिया	161P	0.334
2.	नलखेड़ा	135	0.031

[फा. सं. आर-31015/20/2009-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 19th June, 2009

S. O. 1783.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.2702 dated the 24th September, 2008, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 27th September, 2008, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of Crude Oil through Vadinar-Bina Crude Pipeline Project from Vadinar in the State of Gujrat to Dina in the State of Madhya Pradesh by Bharat Oman Refineries Limited :

And whereas the copies of the said Gazette notification were made available to the public on the 29 November, 2008;

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Oman Refineries Limited, free from all encumbrances.

SCHEDULE

TEHSIL : RAGHOGARH		DISTRICT : GUNA	STATE : MADHYA PRADESH
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1.	KAJALIVA	161 गिन	0.334
2.	NALKHEDA	135	0.031

[F. No. R-31015/20/2009-O.R.-II.]
A. GOSWAMI, Under Secy

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 1 जून, 2009

का.आ. 1784.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं डब्लू. सी. एल.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 97/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-6-2009 को प्राप्त हुआ था।

[सं. एल-22012/123/1998-आईआर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 1st June, 2009

S.O. 1784.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 97/2002) of the Central Government Industrial Tribunal-cum-Labour Court Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of W.C.L. and their workman, which was received by the Central Government on 1-6-2009.

[No. L-22012/123/1998-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE SHRI A.N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. 97/2002

Date : 7-5-2009

The Mines Manager, WCL
Western Coal Fields Ltd, Nagpur Area
Jaripataka, Nagpur-14

Party No. 1

Versus

Secretary
Lalazenda Coal Mines Mazdoor Union
Qua. No. 7, Block No. 7, Chankapur Colony,
PO. Silwara, Taluka Saoner

Party No. 2

AWARD

The Central Government after satisfying the existence of disputes between the mines manager, W.C.L. Western Coal Fields Ltd. Nagpur area Jaripataka, Nagpur-14 Party No. 1 and Secretary Lalazenda Coal Mines Mazdoor Union Qua. No. 7 block No. 7 Chankapur Colony, P.O. Silwara, Taluka Saoner Party No.2, referred the same for adjudication to this Tribunal vide its letter No. L-22012/123/98/I.R. (CM-II) date 10-2-99 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule :

2. "Whether the action of the Management of Walani Mines of W.C.L. in not correcting the date of birth of Ch. Chhedilal Singh as 4-2-1954 is legal and Justified ? If not what relief the workman is entitled to ?"

3. The Petitioner Lalazenda Coal Mines Mazdoor Union has raised the dispute in respect of Chhedilal Singh. It approached to this tribunal with the contentions that he is working at Walani Mines as Mining Mazdoor. The management on assumption recorded his date of birth as 3-4-1945 which is incorrect. As per school record of Anand Sansacrit Jr. High School Bela Fattepur (U.P.); his date of birth is 4-2-1954. The respondent ought to have recorded in the record of Walani Coal Mines. The Petitioner issued two representations dated 3-4-1990 and 7-3-1997, with certificates requesting the management to correct his date of birth. The management did not reply or corrected it. Hence he raised the present dispute. According to petitioner the joint bipartite committee had issued letter mentioning the method for correcting the date of birth. Similarly the management during the conciliation proceedings had agreed to verify the correctness of his date of birth recorded in school leaving certificate from the office of the principal Janata Inter Collage Chhenaleha (U.P.) However though verified it has not taken any cognizance. Again according to him the date of birth in Form "B" is not recorded by him. It is recorded by some third person or by some clerk as routine and his signature was obtained. He prayed to record his date of birth as 3-4-1954 correcting the wrongly recorded as 3-4-1945 giving weight age to school leaving certificates. Accordingly he prayed for the same.

4. The management appeared and filed its W.S. denying the contentions of the petitioner. Firstly according to it the dispute is belated because it is raised after about 10 years long silence. His date of birth was recorded long back in the year at the time of his appointment on 3-4-1975. It is denying his date of birth is 4-2-1954 as per certificates. According to the management in the year 1987 the management of CIL/JBCCI had extended one time review of the recorded date of birth, date of appointments, home address name of the family members. etc. For correction of the records the service excerpts in quadruplicate were prepared and supplied to the workmen with request to verify and suggests the changes if any. The excerpts were duly signed by the workman as called in case there is no change also. Where disputes were raised, and the changes were suggested by the workman were verified and settled. Thus the correction was made under one time review scheme. The service excerpts of the petitioner was verified in the year 1987 and after verifying the same it was corrected. Chhedilal the workman had signed it giving the date of birth as 3-4-1945. Now the workman cannot raise the dispute challenging the date of birth. He is estopped from raising the dispute in respect of similar issue of change of date of birth. The management

has further denied that it has agreed during conciliation to verify correctness of the date of birth as recorded in school leaving certificate from the principal of Janata Inter College Chhenleha (U.P) however as the authority has suggested it has written letter to the Principle. But it has never agreed to correct the date of birth on verification of the certificate since the certificates were manipulated. It has further denied the allegations of petitioner that he has not stated the date of birth and it might have recorded and signed by some other person or clerk. It has pointed out that in the service record thumb impression is given by him instate of signing it though he was claiming as matriculated. There are no reasons for the management to manipulate his service record by obtaining the signature of some other person. The workman had given the chance to verify the service excerpts. He after verifying and accepting as correct the duly signed it.

5. It has specifically pleaded that at the time of appointment his date of birth and other details as stated by him were duly recorded in form "B" register of the Walani Mines. He had mentioned his date of birth as 3-4-1945. It was recorded by him correctly in form "B" During 1987 extended one time review of the recorded date of birth home address names of parents by giving copies of the excerpts and were requested to suggest the change if there invariance. The petitioner has endorsed the date of birth recorded in Form "B" and signed the register maintained in Walani Mines. Thus according to it the claim has no substance and it be answered in the negative.

6. Heard Mr. Lahari Adv. for the petitioner and Mr. Mehadia for the management. Perused all the documents filed by both the parties. On behalf of the petitioner it is submitted that the management during the conciliation proceedings in 1975 the management had agreed to verify his documents from the school records. In fact the management had never assured. Even the papers of the conciliations are clear enough to indicate that without accepting its correctness it agreed to verify the certificates from school record.

7. The counsel for the Management submitted that the petitioner Chhedilal wants the change the date of birth recorded in Form "B" a statutory register maintained by the mines on the basis of the declaration given by the workman at the time of his appointment. He was appointed on 3-4-1975 and by raising the dispute on 1-8-1997 he alleges it as wrong. The petitioner wants to change his date of birth recorded in the month of April 1975 on the ground that it was incorrectly recorded by raising the dispute on 1-8-1997. The management submitted that the delay is inordinate and without any justification or reasons. He never explained giving plausible reasons for such inordinate delay. It is therefore belated. The counsel for management cited one case by filling the copy of the

judgment of Hon'ble Division Bench of Mumbai High Court bench at Nagpur and stated that on this ground of inordinate delay only disputes is liable to be rejected. The facts of the case are Similar to the present case of the petitioner. In a cited case the date of birth was recorded 30 years before and confirmed on three occasions was challenged. The Hon'ble High Court rejected it on the ground of inordinate delay and as it was recorded in statutory register as mines Act in a Form "B" following the due procedure applicable in this regard. Hon'ble H. C. led down that it being statutory register its observance is necessary and refused to change the recorded date of birth and interfere in it.

8. Here in the present case also the petitioner wants to change the date of birth after more than 20 years and certainly it is belated one. The petitioner himself gave his date of birth as 3-4-1945 at the time of his appointment in Form "B" and signing it. Letter on at the time of one time review as per circular I.I No. 76 of NCWA, though the petitioner had an opportunity given by the management did not availed it contrarily he confirmed it as correct. When he had knowledge about the existence of the certificates why he has not produced to the management for their examination and ascertaining them? He could have at list resisted the recorded date birth. This indicates that he was sure that the management will scrutinize closely and these documents will not stand in the scrutiny. He deliberately suppressed them. Thus the petitioner has raised the dispute after the considerable delay of more than 20 years. This itself indicates that he was satisfied with recorded date of birth in Form "B" and in view of the judgment of Division Bench of High Court the claim is liable to be dismissed. Accordingly I dismiss it and pass the negative Award. However I am giving my findings on merits also in case they are required in any proceedings or before any authority.

9. Now let us turn to the merits of the case of the petitioner. The petitioner wants to change the date of birth recorded as 3-4-1945 at the time of his appointment in the year 1975. As oral evidence the petitioner examined himself and the management examined the personal manager Sambhuddha Dasgupta. They both have stated as per their pleadings and offered for the cross-examinations. The petitioner placed reliance on the documents besides his own oral evidence. Those are-Identity card, letter by workman for supply of the information of date of birth, Leaving Certificate, Mark list, Medical Examination Report and transfer certificate. On the basis of these documents he claims, his date of birth is 3-4-1954 as against the wrongly recorded 3-4-1945 and accordingly prayed to correct it. The management has denied all the documents and submitted that these are the false and bogus documents prepared by the petitioner after thought with the view to gain illegal benefits. As per service book his date of birth is mentioned as 3-4-1945 and he was

appointed as casual labour on 3-4-1975 and was later on regularized on completing of 240 days continuous service. It is a fact that certificates filed on record are not of the Board of Middle of Matriculation Board which are recognized and treated as authenticated proof of date of birth. Undisputedly he was never a regular student of any institution. He says that was private student. No doubt these documents do disclose the date of birth as 3-2-1954 however when and on what basis the entries are taken is not made clear. It is not the case that when he was 6 or 7 years old at the time of admission his father had stated the date of birth. The entries taken long back during the childhood of the student on the basis of extracts of record of Grampanchayat or entry taken by kotwal are treated as correct record because no body will predict and give false date of birth. Here the petitioner at the time of appointment gave his qualification as Matriculate which is absolutely false. He stated in cross-examination that he passed VIIIth standard in 1969 and failed in IX standard in 1993. Despite his contention instate of signing service book, he gave thumb-impression for the reasons best known to him.

10. The medical certificate Ex. W7 which has been issued as he was referred for periodical examinations is on record and clinical age is mentioned in it which supports his claim. But it is of the medical officer of the mine. He was neither radiologist nor the petitioner was not referred for determining the age. This certificate of the medical officer of the mine issued after periodical check up can not be a proof of the date of birth. The other documents filed by the petitioner are not clear enough to establish their authenticity. It is pertinent to note that the management has refused to take the cognizance saying that they are bogus. In such circumstances the close scrutiny is necessary. The document Ex. W 1 is Identity card which does not disclose any date of birth. Ex. W2 is the representation made by the petitioner which has no relevance with correctness of date of birth. Ex. W3 leaving certificate of Anand Sanskrit Junior School Bela Gawai Fatehpur. It is dated 15-1-1003 as mentioned at the bottom. Date mentioned below the signature of the principal is invisible. No out word number registration number date of issuance form the office are mentioned. It is printed form but the name of the school is written in manuscript in a available place. It shows that he passed VIII standard in 1968 particularly on 20-6-1968 and on the very day left the school. The petitioner says that he failed in IX standard in 1993. It means he had registered his name for IX class. How he kept the leaving certificate of VIII standard with him. It was necessary to submit it at the time of admission in other school and if he left the education after unsuccessful attempt in other school he ought to have produced leaving certificate of that school.

11. Similarly the W4 is a mark list dated 7-7-1993. It bears the signature of checking clerk and inside the round seal in red ink there is signature or something is written

like signature. It is doubtful as to who signed it. His name with designation is not written. It does not even disclose the name of the school from where he appeared for examination, it does not disclose the name of Anand Sanskrit Junior College Bela. The name of the school is mentioned Janata Inter College Chhiulaha Fatepur. It creates doubt.

12. W5 is true Copy scholar's Register & Transfer Certificate form. It is not original though in the list of documents it is mentioned as original. It does not disclose Admission file number, Withdrawals file number or the transfer certificate file number. All these columns are blank. Below the signature who attested it the name of signatory is not mentioned. It discloses the date of admission 9-7-68 and date of removal 30-8-1968. It means he was student just for few days. The name of the school which issued this transfer certificate is not appearing anywhere. It seems that he joined the services in the year 1975. He had passed 8th standard but the certificate of 9th fail is of 1993. It means after joining and during the working as loader in the mines he continued his education. It is difficult to believe though he says that he appeared as private student. He has no where stated when he took admission to the school. In fact when the other party is alleging the documents as fabricated it necessary for the petitioner to examine the signatories of them. Unless they are examined and offered for the cross the documents cannot treated as proved. In my view they are unreliable. Thus the proof submitted for proving the date of birth as 4-2-1954 is not reliable at all. There is no substance in the claim on merits also. The claim deserves to be dismissed. Accordingly I dismiss it and pass the negative Award.

Nagpur

Date 7-5-2009

A.N. YADAV, Presiding Officer

नई दिल्ली, 2 जून, 2009

क्र.अ. 1785.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं बी.सी.सी. एल.के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट (संदर्भ संख्या 90/2000) को प्रकटित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/366/1999-आईआर(सी-1)]

स्नेह लता जवांस, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1785.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 90/2000)

of the Central Government Industrial Tribunal-Cum-Labour Court No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/366/1999-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT NO. 1, DHANBAD

In the matter of reference U/s 10(1)(d) of the I.D. Act

Reference No. 90 of 2000

Parties : Employers in relation to the management of
B.C.C.L

And

Their Workman

Present : Sri H.M. Singh Presiding Officer

APPEARANCES

For the Employers : None

For the workmen : Sri B.B. Pandey, Advocate

State : Jharkhand.

Industry : Coal

Dated, the 1st May, 2009

AWARD

By order No. L-20012/366/99-(C-1), dated 2-2-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section(1) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Patherdih Colliery of M/s. BCCL in not regularising Sri Ramawatar Chamar under grand Munshi w.e.f 1-1-1989 is justified? If not, to what relief the workman is entitled ?”

2. On 13-2-2009 Sri B.B. Pandey, Advocate. Alongwith Sri Ramawatar Chamar, the concerned workman appeared and filed a petition dated 4-2-2009 praying that the case has already been settled with the management and such he does not intend to contest this case and has prayed for passing No Dispute Award.

3. In such circumstances, I render a ‘No Dispute’ Award in the present reference.

H.M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009.

क्र.आ. 1786 .— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं बी.सी.सी. एल.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट (संदर्भ संख्या 42/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/252/1999-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1786 .— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 42/2000) of the Central Government Industrial Tribunal-cum-Labour Court No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/252/1999-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 1, DHANBAD

In the matter of a reference U/s 10(1)(d)(2A) of the I.D. Act

Reference No. 42 of 2000

Parties : Employers in relation to the management of
Barora Area of M/s. B.C.C.L

And

Their Workman

Present : Sri H.M. Singh, Presiding Officer

APPEARANCES

For the Employers : None

For the workmen : None

State : Jharkhand.

Industry : Coal

Dated, the 1st May, 2009

AWARD

By Order No. L-20012/252/99-(C-I) dated 20-1-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of Industrial

Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of BCCL Barora Area, in not providing employment to Sri Suresh Bhuia, dependent son of Sri Swroop Bhuia under para 942 of NCWA IV.&V is just and proper? If not to what relief is the said dependant entitled?”

2. 25-3-2004 was the date fixed for filing written statement by the workman/sponsoring union. But no step has been taken inspite of notice sent on 4-2-2009 by Speed Post. It is clear from the record that the workman/Sponsoring union is not interested to contest this case.

In view of such circumstances I pass a “No Dispute” Award in this case.

H.M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

का.आ. 1787. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं बी.सी.सी. एल.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट (संदर्भ संख्या 196/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/355/1996-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1787. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 196/1997) of the Central Government Industrial Tribunal-Cum-Labour Court No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/355/1996-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. 1), DHANBAD

In the matter of reference U/s 10(1)(d)(2A) of the I.D. Act.

Reference No. 196 of 1997

Parties : Employers in relation to the management of
B.C.C.L.

And

Their Workman

Present : Sri H.M. Singh, Presiding Officer

APPEARANCES

For the Employers : Sri B. M. Prasad,
Advocate

For the workman : Sri C. Prasad, Advocate

State : Jharkhand. Industry : Coal

Dated, the 1st May, 2009

AWARD

By Order No. L-20012/355/96-IR (Coal-I) dated 20-11-1997. The Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) & Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the demand of the Union for the regularisation of Shri Azad Paswan, General Mazdoor as Attendance Clerk is legal and justified? If not, to what relief is the concerned workman entitled?”

2. On 27-3-2009 was the date fixed for filing notes of arguments. Sri C. Prasad, Advocate on behalf of the workman, appeared and filed a petition praying, for passing ‘No Dispute Award’, concerned workman was also present.

3. In view of such submission made on behalf of the workman. I render a ‘No Dispute’ Award in the present reference.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

का.आ. 1788. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं बी.सी.सी. एल.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट (संदर्भ संख्या 138/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/87/1999-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1788. — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 138/1999) of the Central Government Industrial Tribunal-Cum-Labour Court No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation

to the management of BCCL and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/87/1999-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. 1), DHANBAD

In the matter of reference U/s 10(1)(d)(2A) of the I.D. Act 1947

Reference No. 138 of 1999

Parties : Employers in relation to the management of Koyla Bhawan of M/s. B.C.C.L

And

Their Workman

Present : Sri Hari Mangal Singh Presiding Officer

APPEARANCES

For the Management : None

For the Union/workman : None

State : Jharkhand.

Industry : Coal

Dated, the 4th May, 2009

AWARD

By Order No. L-20012/87/99-IR (Coal-I) dated 4-6-1999 the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

SCHEDULE

“क्या यूनियन की मांग को सर्वश्री ज्ञानेश्वर महतो एवं श्री खुशींद अन्सारी का मूल वेतन उनके कनिष्ठ कर्मकार श्री सीताराम सिंह के समरूप निर्धारित किया जाए, मान्य है? यदि हां तो उक्त कर्मकार किस राहत के पात्र हैं तथा किस तारीख से?”

2. This case was received from the Ministry and registered on 15-6-1999. This even on 12-2-2009 none appears from either side nor written statement is filed on behalf of the sponsoring Union inspite of notices being sent by speed post. As such, it seems that neither the workman nor the sponsoring Union is interested to contest their case further.

In view of such circumstances, I pass the No Dispute Award in present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

का.आ. 1789.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं बी.सी.सी. एल.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट (संदर्भ संख्या 191/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/307/1996-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1789.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 191/1997) of the Central Government Industrial Tribunal-Cum-Labour Court No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/307/1996-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. 1), DHANBAD

In the matter of a reference U/s 10(1)(d) (2A) of I.D. Act

Reference No. 191 of 1997

Parties : Employers in relation to the management of Govindpur Area of M/s. B.C.C. Ltd.

And

Their Workmen

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the Employers : Shri D.K. Verma, Advocate.

For the workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union

State : Jharkhand

Industry : Coal

Dated, the 1st May, 2009

AWARD

By Order No. L-20012/307/96-IR (Coal-I) dated 7/10-11-1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the claim of the union that Shri Ashok Kumar Singh was engaged as Attendance Clerk and is eligible for his regularisation in that post is legal and justified? If so, to what relief is the concerned workman entitled?"

2. Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union appeared on 25-3-2009, along with the concerned workman and filed petition on behalf of the concerned workman praying that the concerned workman does not want to contest the case further. It appears from the petition that the management has got no objection.

3. Since the concerned workman/sponsoring union wants to withdraw the case, I pass a 'No Dispute' Award in the present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

क्र.आ. 1790.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं बी.सी.सी. एल.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट (संदर्भ संख्या 127/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/23/1999-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1790.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 127/1999) of the Central Government Industrial Tribunal-Cum-Labour Court No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/23/1999-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. 1), DHANBAD

In the matter of a reference U/s. 10(1)(d) (2A) of the I. D. Act 1947

Reference No. 127 of 1999

Parties : Employers in relation to the management of kusunda Area of M/s. BCCL

AND

Their Workman

Present : SHRI Hari Mangal SINGH, Presiding Officer

APPEARANCES

For the Management : None

For the Union : None

State : Jharkhand.

Industry : Coal

Dated, the 5th May, 2009

AWARD

By Order No. L-20012/23/99-IR (C-I) dated 4-6-1999 the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

SCHEDULE

"क्या बी.सी.सी.एल. के प्रबंधन द्वारा श्री निवास बेलदार को दिनांक 30-6-1995 से सेवा निवृत्त किया जाना उचित एवं न्यायपूर्ण है? यदि नहीं तो कर्मकार किस राहत के पात्र हैं?"

After having received the Order No. L-20012/23/1999-IR (C-I) dated 4-6-1999 the aforesaid reference from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute a reference case No. 127 of 1999 was registered on 15-6-1999 but till 28-1-2009 none appears from either side in spite of notices being sent by speed post nor the written statement on behalf of the workman is filed till date. It seems that neither the workman nor the sponsoring Union is interested to contest their case further.

In view of such circumstances, I Pass the 'No Dispute' Award in present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

क्र.आ. 1791.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट (संदर्भ संख्या 50/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/422/1999-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1791.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 50/2000) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/422/1999-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. I, DHANBADIn the matter of a reference U/s. 10(1)(d)(2A) of I.D. Act.
1974

Reference No. 50 of 2000

Parties : Employers in relation to the management of
M/s. BCCL

AND

Their Workmen

Present : Shri H.M. Singh, Presiding Officer

APPEARANCES

For the Employers : None

For the Workmen : None

State : Jharkhand.

Industry : Coal.

Dated, the 7th May, 2009

AWARD

By order No. L-20012/422/99-IR(C-I) dated 21-1-2000 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal.

अनुसूची

“क्या बी.सी.सी.एल., कुसुंदा क्षेत्र के प्रबंधन द्वारा श्री विश्वनाथ बाउरी को NCWA IV को धारा 2.11 के अंतर्गत SLU का अपग्रेडेशन न दिया जाना न्यायोचित है ? यदि नहीं तो कर्मकार किस राहत के पात्र हैं तथा किस तारीख से ?”

This reference case is of the year 2000 but even on 26-3-09 none appeared from the side of the workman inspite of notice sent by speed post on 4-2-2009. It appears that neither the concerned workman nor the sponsoring union is interested to contest the case.

In such circumstances, I render a 'No Dispute' award passed in the present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

का.आ. 1792.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट (संदर्भ संख्या 165/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/147/1999-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1792.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 165/1999) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/147/1999-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. I, DHANBADIn the matter of a reference under section 10(1)(d)(2A) of
the Industrial Disputes Act 1947

Reference No. 165 of 1999

Parties : Employers in relation to the management of
Barora Area of M/s. BCCL

AND

Their Workman

Present : Shri H.M. Singh, Presiding Officer

APPEARANCES

For the Management : Sri B. M. Prasad, Advocate

For the Union/Workman : None

State : Jharkhand.

Industry : Coal.

Dated, the 7th May, 2009

AWARD

By order No. L-20012/147/99-IR(C-I) dated 16-7-99/3-8-99 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal.

अनुसूची

“क्या मजदूर संघ की संघ की सूची में दिए गए 12 कर्मकारों को उनके वर्तमान वेतन ग्रेड को संशोधन करते हुए और टाइम से पदों पर जिन पर वे कार्यरत हैं नियमित न किया जाना उचित एवं न्यायसंगत है ? यदि नहीं तो कर्मकार किस राहत के पात्र हैं तथा किस तारीख से ?”

This case was received from the Ministry and registered on 16/30-8-1999. Sri Prasad Advocate files letter of authority on behalf of Management but none appears from workman. In spite of notices being sent by speed post no one appears for the sponsoring union/workman nor any steps have been taken. It seems that neither the

workman nor the sponsoring union is interested to contest their case further.

In view of such circumstances, I Pass the 'No Dispute' award in the present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

का.आ. 1793.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट (संदर्भ संख्या 136/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/77/1999-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1793.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 136/1999) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/77/1999-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of I. D. Act

Reference No. 136 of 1999

PARTIES : Employees in relation to the management of M/s. B.C.C.L. Ltd.

AND

Their Workman

PRESENT : SHRI H.M. SINGH, Presiding Officer

APPEARANCES

For the Employers : None

For the Workman : None

State : Jharkhand.

Industry : Coal.

Dated, the 7th May, 2009

AWARD

By Order No. L-20012/77/99-IR(C-I) dated 4-6-99 the Central Government in the Ministry of Labour has in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of management of Kusunda Area of BCCL is not promoting Sri A. K. Singh Crane Opt. Dhansar KOC.P. From Excuv. Gr. B to Excuv. Gr. A w.e.f. 7-8-1985, the date on which has Junior Sri Shiv Jatan Singh was promoted, is correct? If not, what relief the concern workman is entitled?"

2. On 12-2-2009 none appeared on behalf of the workman to file written statement inspite of notice being sent by speed post and the case relates to the year 1999 i.e. ten years old. It, appears that neither the concerned workman nor the sponsoring union is interested to contest the case.

3. In such circumstances, I render a 'No Dispute' award in present case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

का.आ. 1794.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट (संदर्भ संख्या 45/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/331/1999-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1794.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 45/2000) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/331/1999-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
No. 1, DHANBADIn the matter of a reference U/s. 10(1)(d)(2A) of I.D. Act.
Reference No. 45 of 2000Parties : Employer in relation to the management of
B.C.C.L.

AND

Their Workman

Present : Shri H.M. Singh, Presiding Officer

APPEARANCES

For the employers : Sri D.K. Verma, Advocate.

For the Workman : None

State : Jharkhand.

Industry : Coal

Dated, the 5th May, 2009

AWARD

By Order No. L-20012/331/99-IR(C-I) dated 20-1-2000 the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

अनुसूची

“क्या बी.सी.सी.एल., ब्लॉक-II क्षेत्र के प्रबंधन तंत्र द्वारा श्री विश्वनाथ को आसु निर्धारण के लिए चिकित्सा बोर्ड न भेजा जाना स्वाक जबकि उनके पहचान पत्र एवं सेवा उद्घरणों में दर्ज जन्म तारीख में स्पष्ट अस्पष्टता है उचित एवं न्यायसंगत है ? यदि नहीं तो कर्मकार किस राहत के पात्र हैं तथा किस तारीख से ?”

25-3-09 was the date fixed for filing written statement by the concerned workman/sponsoring union but none appeared to take any step inspite of notice sent by speed post on 4-2-09.

It appears from the record that this case is pending from filing of written statement by the union with effect from 27-1-2000. It means that workman/sponsoring union is not interested to contest the case.

In such circumstances, I render a 'No Dispute' award passed in the present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

का.आ. 1795.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं बी.सी.सी.एल. के प्रबंधन तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण नं. 1, धनबाद के पंचाट (संदर्भ संख्या 116/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

पु.सं. एल-20012/07/1999-आईआर(सी-1)
सुनेह लता जावास, डेस्क अधिकारी
New Delhi, the 2nd June, 2009

S.O. 1795.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 116/1999) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/07/1999-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 1, DHANBADIn the matter of a reference U/s. 10(1)(d)(2A) of the
I.D. Act, 1947

Reference No. 116 of 1999

Parties : Employers in relation to the management of
Jangra Colliery of M/s. BCCL

AND

Their Workman

Present : Shri Hari Mangal Singh, Presiding Officer

APPEARANCES

For the Management : None

For the Union : None

State : Jharkhand.

Industry : Coal

Dated, the 7th May, 2009

AWARD

By Order No. L-20012/07/99-IR(C-I) dated 4-6-1999 the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

अनुसूची

“क्या बी.सी.सी.एल. के प्रबंधन तंत्र द्वारा श्री सुती ई. तुलसामा के आश्रित पुत्र को स्वेच्छा सेवा निवृत्ति योजना के अन्तर्गत नियुक्ति न देना न्यायोचित है ? यदि नहीं तो कर्मकार व उनके आश्रित किस राहत के पात्र हैं ?”

After having received the Order No. L-20012/07/1999-IR (C-I) dt. 4-6-1999 the aforesaid reference from the

Government of India, Ministry of Labour, New Delhi for adjudication of the dispute a reference case No. 116 of 1999 was registered on 15-6-1999 but till 28-1-2009. None appears from either side in spite of notices being sent by speed post nor the written statement on behalf of the workman is filed till date. It seems that neither the workman nor the sponsoring union is interested to contest their case further.

In view of such circumstances, I Pass the 'No Dispute' award in the present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

का.आ. 1796.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में, केन्द्रीय सरकार एवं बी.सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट (संदर्भ संख्या 181/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/205/1999-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1796.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 181/1999) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/205/1999-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 1, DHANBAD

In the matter of a reference under section 10(1)(d)(2A) of the Industrial Disputes Act

Reference No. 181 of 1999

Parties : Employers in relation to the management of Govindpur area of M/s. B.C.C.L.

AND

Their Workmen

Present : Shri H.M. Singh, Presiding Officer

APPEARANCE

For the employers : Sri D.K. Verma, Advocate

For the Workmen : None

State : Jharkhand. Industry : Coal

Dated, the 6th May, 2009

AWARD

By order No. L-20012/205/99-IR(C-1) dated 10-11-99 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

अनुबंधी

“क्या बी.सी.सी.एल., गोविन्दपुर क्षेत्र-III के प्रबंधन तथा श्री कल्याणदास को अण्डरग्राउन्ड मुस्सी के पद पर नियुक्ति न किया जाना न्यायोचित है ? यदि नहीं तो कर्मकार किस सवत के मात्र के तत्वा किस तारीख से ?”

2. It appears from the record that no written statement has been filed on behalf of the workman and the case is for the year 1999. However, notice was issued to the sponsoring union for their appearance and to file their written statement but even on 1-2-2009 neither the concerned workman nor the sponsoring union appeared to take any step. It seems that none is interested to contest the case on behalf of the workman.

3. Under such circumstances, I render a 'No Dispute' award in the present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

का.आ. 1797.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट (संदर्भ संख्या 125/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[एल-20012/35/1999-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1797.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 125/1999) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/35/1999-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. I, DHANBAD**

In the matter of a reference U/s. 10(1)(d)(2A) of I.D. Act.
Reference No. 125 of 1999

**Parties : Employers in relation to the management of
Kusunda Colliery of M/s. B.C.C.L. Ltd.**

AND

Their Workmen

Present : Shri H.M. Singh, Presiding Officer

APPEARANCES

For the employers : None

For the Workmen : None

State : Jharkhand. Industry : Coal.

Dated, the 6th May, 2009

AWARD

By order No. L-20012/35/99-IR(C-I) dated 4-6-99 the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

अनुसूची

"क्या बी.सी.सी.एल. के प्रबंध तंत्र द्वारा श्री युसुफ मियां को "ब्लैक स्मोथ" के पद पर नियुक्त करने की अपेक्षा अन्य पद पर नियुक्त किया जाना संदर्भ सं. 91/89 में सेटलमेंट/एवार्ड दिनांक 17-3-94 का अतिक्रमण है यदि हो तो कर्मकार किस राहत के पात्र हैं ? तथा किस तारीख से ?"

2. On 28-1-2009 None appeared from either side inspite of notices being sent by speed post nor the written statement on behalf of the workmen is has been filled. This case is pending since 15-6-1999. It therefore appears that neither the concerned workman nor the sponsoring union is interested to contest the case.

3. Under such circumstances, I render a 'No Dispute' award in the present reference case.

Enclose as above.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

का.आ. 1798 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम नं. 1, धनुबाद के मंत्राट (संदर्भ संख्या 177/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/206/1999-आईआर(सी-1)]

स्नेह लता जवांस, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1798 — In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 177/1999) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C.L. and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/206/1999-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. I, DHANBAD**

In the matter of a reference under section 10(1)(d)(2A) of the Industrial Disputes Act.

Reference No. 177 of 1999

**Parties : Employers in relation to the management of
Govindpur Area No. III of M/s. B.C.C.L.**

AND

Their Workman

Present : SHRI H. M. SINGH, Presiding Officer

APPEARANCES

For the employers : Sri D. K. Verma, Advocate

For the Workmen : None

State : Jharkhand. Industry : Coal.

Dated, the 5th May, 2009

AWARD

By order No. L-20012/206/99-IR(C-I) dated 3-11-09 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

अनुसूची

"क्या बी.सी.सी.एल., गोविन्दपुर क्षेत्र-III के प्रबंध तंत्र द्वारा श्री एम.सहस्रो को, जो कि लेपरोसी रोग से पीड़ित है, उनकी विकलांगता निर्धारण के लिए चिकित्सा बोर्ड को न भेजा जाना न्यायोचित एवं नियमानुसार है ? यदि नहीं तो कर्मकार किस राहत के पात्र हैं ?"

2. It appears from the record that no written statement has been filed on behalf of the workmen and the case is of the year 1999. However, notice was issued to the sponsoring union for their appearance and to file their written statement but even today neither any one appears nor any steps has been taken.

In view of such circumstances, it seems that none is interested to contest this case and it is useless to keep this case pending.

In such circumstances, I render a 'No Dispute' award in the present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

का.आ. 1799.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं मै. बी.सी.सी.एल. के प्रबंधकों के समूह नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 10/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/107/2008-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1799.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 10/2009) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/107/2008-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of a reference under Sec. 10(1)(d)(2A) of I.
D. Act

Reference No. 10/2009

Parties : Employers in relation to the management of
Block IV Project of Govindpur Area of M/s. BCCL.

AND

Their Workman

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the Employers : None
For the Workman : D. Mukherjee Advocate/
Secretary B.C.K.O

State : Jharkhand. Industry : Coal.

Dated, the 18th May, 2009

AWARD

By order No. L-20012/107/2008-I.R.(CM-I) dated 27-2-2009 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the

Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the Management of Block IV Project of Govindpur Area of M/s. BCCL in not promoting Sri Amrindra Dubey timely in proper Grades is justified and legal? To what relief is the workmen concerned entitled and from what date?"

2. Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union, appearing on behalf of the union on 27-3-2009 filed a petition praying for passing a 'No Dispute' Award in this reference since the concerned workmen wants to withdraw the case.

3. In view of the prayer made on behalf of the concerned workmen, I render a 'No Dispute' Award in the present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

का.आ. 1896.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं मै. बी.सी.सी.एल. के प्रबंधकों के समूह नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 32/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/179/1995-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1896.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 32/1996) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/179/1995-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD**

PRESENT : Shri H. M. Singh, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I. D. Act, 1947

Reference No. 32 of 1996

Parties : Employers in relation to the Management of
Sarabera Colliery of M/s. CCL and their workman.

APPEARANCES

on behalf of the workman : Mr. U. N. Lal,
Advocate

On behalf of the employers : Mr. D. K. Verma,
Advocate

State : Jharkhand. Industry : Coal.

Dated, Dhanbad, the 11th May, 2009.

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/17995-IR(C-I), dated, the 26th July, 1996.

SCHEDULE

"Whether the action of the management of Sarubera Colliery of M/s. BCCL in terminating the services of Sh. Mukutdhari Prasad w.e.f. 24-3-1990 is justified? If not, what relief the concerned workman is entitled to?"

2. In the Written Statement filed on behalf of the concerned workman it has been stated by him that the order of reference was served on the workman under cover of Letter No. 1(64)/94 dated 9-10-1996 through the Area Secretary, National Coal Workers Congress, Topa Colliery as the workman had come over to the colliery and was not available at his home address. Hence, there has been delay in submitting the Written Statement. It has been stated on behalf of the concerned workman that he had to take leave on medical grounds and prolonged treatment and submitted medical certificate from time to time seeking leave. It has further been stated that a chargesheet dated 6-6-1988 was served on the concerned workman alleging that he was absenting from duty without any permission/sanctioned leave from the competent authority since 9-5-1988/19-5-1988. The fact remains that the medical certificate for the period from 9-5-1988 to 12-10-1988 was accepted by the Medical Board on or about 25-1-1989 which conclusively establish that the alleged absence without competent sanction is without any basis at all. However, the concerned workman submitted his explanation to the charges on 25-6-1988 denying the charges. It has been alleged that the concerned workman was not given any communication or information on the matter of alleged enquiry committee or any other proceedings after his reply to the charges. When the concerned workman reported for duty with medical certificate in support of his illness he was allowed to join duty on 2-2-1989. Therefore, there is no substance in the allegation of unauthorised or unentitled absence from duty either from 9-5-1988 or from 19-5-1988. The concerned workman has alleged that the purported enquiry was ordered or fabricated on the back of the workman

concerned and the purported enquiry was neither fair, nor proper, nor reasonable, and also no opportunity was given to the concerned workman to defend his case. Subsequently when the concerned workman went to the office to join duty, along with Medical Certificate he was verbally told that his services had been terminated. This was on 18-5-1994. Immediately thereafter he applied for photo copy of relevant documents including Enquiry Report vide his application dated 18-5-1994. In spite of repeated verbal and written request these documents were not supplied to the concerned workman. Thereafter the concerned workman raised an Industrial Dispute on 18-9-1994 which resulted reference to this Tribunal for adjudication. It has been reiterated on behalf of the that the medical certificate for treatment from 9-5-1988 to 12-10-1988 during which period the workman concerned was advised bed rest, having been accepted, and the workman concerned having been allowed to join duty on 2-2-1989, there did not exist any ground to allege absence from duty without any permission/sanctioned leave from 9-5-1988. After submission of the Medical Certificate, the management took about 3 months time to allow the workman to join duty on 2-2-1989. Thus there were no absence from duty without reasonable cause or sanctioned leave from 9-5-1988 to 2-2-1989. Thereafter the concerned workman again fell ill and had to take leave w.e.f. 3-2-1989 and while on treatment and bed rest a so-called enquiry was fabricated and his services were terminated and even the termination order was not served on the workman concerned. It has therefore, been prayed by the concerned workman to answer the terms of reference in favour of the workman concerned holding that the action of the management of Sarubera Colliery of M/s. BCCL in terminating the services of the concerned workman w.e.f. 24-3-1990 is unjustified, unreasonable, illegal and to Award reinstatement of the concerned workman w.e.f. 24-3-1990 with continuity of service and back wages and all other service benefits.

3. In the Written Statement filed on behalf of the management it has been stated by them the present reference is not legally maintainable. It has been stated by them that the present reference is not legally maintainable. It has further been stated by them that the concerned workman Shri Mukutdhari Prasad was working as a Grade-II Clerk of Sarubera Colliery and he stated absenting from his duties w.e.f. 9-5-1988 without permission and without authorised leave and without justifiable cause. Even he did not inform the management the reason of his unauthorised absence from duty. Accordingly a chargesheet dated 6/13-6-1988 under the signature of the colliery manager of Sarubera Colliery was issued to the concerned workman. As the concerned workman was not found in the colliery, the said chargesheet was sent to him by registered post with A.D. It has been stated by the management that the concerned workman was given opportunity to submit his reply to the charges levelled

against him but he did not submit any reply as a result of which the management appointed Shri C. D. Mahato, Safety Officer to hold the departmental enquiry relating to the chargesheet issued to the concerned workman by office order dated 29-9-1988. By the same office order he appointed Shri R. D. Burnian, Senior Under Manager as management representative. The Enquiry Officer thereafter issued notices of enquiries fixing the date of enquiry on 23-9-1989 and 3-10-1989 and the notices of enquiries were sent to the concerned workman by registered post. In spite of issuance of notices of enquiries the concerned workman neither attended the enquiry nor sent information relating to his inability to attend the enquiry fixed on those days. Thereafter the Enquiry Officer conducted the departmental enquiry ex parte and submitted his report holding that the concerned workman is guilty of the charges levelled against him. The management finding no response from the concerned workman terminated his service w.e.f. 24-3-1990 by letter dated 26-12-1989. It has been alleged on behalf of the management that the concerned workman did not bother from 9-5-1988 till 18-9-1994 and he raised the present industrial dispute after remaining absent for such a pretty long period from 9-5-1988 to 18-9-1994. It has been stated by the management that as the concerned workman failed to justify his unauthorised absence for such a long period without informing the management and without taking permission from the management, his case was not found fit for consideration for his re-employment and accordingly the demand raised by the concerned workman in the present reference was not acceded to. It has been prayed on behalf of the management to pass an Award rejecting the demand of the concerned workman.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paras of each other's Written Statement.

5. Management in order to substantiate their case has produced Mr. R. D. Barnwal who has been examined as MW-1. The documents on their behalf have been marked as Ext. M-1 to M-6 on proof by MW-1. However, no evidence has been adduced on behalf of the concerned workman.

6. By order No. 44 dated 21-11-2008 it has been held by this Tribunal that the domestic enquiry conducted against the concerned workman by the Enquiry Officer was fair and proper.

7. In course of hearing or argument on merit Ld. Counsel for the workman submitted that the concerned workman was ill and enquiry was held not according to the rules and the concerned workman was terminated from service for no fault of his own. He was sick and anybody may become sick. In this respect Ld. Counsel for the management argued that he was dismissed as per order dated 21/26-12-1989 from 24-3-1990. The letter of dismissal and notices of enquiry were sent to the concerned workman

but they were returned back with the postal endorsement that the concerned workman is not residing at his resident village Pabra, P. O. Pabra District Hazaribagh though he has given reply to the chargesheet on 6-6-1988. It therefore shows that the concerned workman was very much aware about the absence of duties. He was found fit by the Chief Medical Officer on 25-1-1989 but even then he was not reporting for duty intentionally. It only shows that he got no interest in work. It appears from the records that chargesheet has been issued to him on 6-6-1988 regarding his absence from 9-5-1988.

8. As per evidence of MW-1 R. D. Barnwal who has proved documents marked as Ext. M-1 to M-6 stated that chargesheet has been issued to the concerned workman under the signature of Mr. R. J. Singh. The concerned workman was served with the notice of enquiry but in spite of the service of the notices he did not appear in the enquiry proceeding. Notice has also been sent by Regd. Post and lastly termination letter was sent vide Ext. M-5. The concerned workman after issuance of chargesheet had reported for duty. On his application he was allowed duty but in spite of the joining order he did not join duty. He was allowed by letter dated 2-2-89 but he did not report for duty. It shows that he had abandoned his duty.

9. Ld. Counsel for the management argued that he has not bothered to join duty and he raised industrial dispute in 1994 though he was terminated from 24-3-90. It only shows that he was not interested to do the job. Management had tried to give opportunity to join but he was not joined. Ld. Counsel for the workman argued that the concerned workman was attacked with jaundice after fitness of the doctor of the management but it is not believable as he had not filed any medical certificate except the certificate dated 12-10-1988 of Dr. S. K. Kamruddin, private practitioner though there is arrangement of free hospital facilities of the management. He was very much aware of the above hospital facilities. When he was found fit by the Medical Officer of the management on 25-1-1989 he should have joined the service but even then he did not join the service. It only shows that he was not at all interested to perform his duties.

10. In this respect Ld. Counsel for the management also argued that the concerned workman has not examined himself so that it may be proved that he was actually sick. He also referred to a decision reported in 2006 Lab. I.C. 2262 in which Hon'ble Supreme Court laid down the following:—

"Industrial Disputes Act (14 of 1947), S. 11-A—Proportionally of punishment Misconduct Bus conductor remained absent not only for period of more than 3 years. But also remained unauthorisedly absent on several occasions. Misconduct committed cannot be treated as minor. For running buses, service of conductor is imperative and no employer

running a fleet of buses can allow an employee to remain absent for a long time. Punishment of dismissal Not disproportionate. Cannot be substituted with reinstatement."

Ld. Counsel of the management also referred to another decision of the Hon'ble Supreme Court reported in (2008) 1 Supreme Court Cases (L & S) 164 in which Hon'ble Supreme Court laid down the following:

Misconduct-Absenteeism-Nature of, and appropriate punishment therefore-Habitual absenteeism, held amounts, to gross violation of discipline. Where the workman, who had been in the post found guilty of unauthorised absenteeism several times (15 times in this case) was in properly conducted departmental enquiry once again found guilty of unauthorised absence for a long period (105 days in this case), held, his consequential dismissal from service ought not have been treated to be harsh and interfered with by Labour Court/High Court-Case law on scope of exercise of power under S. 11-A Industrial Disputes Act, 1947 discussed-industrial Disputes Act, 1947- S. 11-A and S. 10(4-A) (as in force in Karnataka)."

11. In view of the facts, circumstances, evidence and case law discussed above, I hold that the management was justified in terminating the services of the concerned workman. Accordingly following Award is rendered:—

"The action of the management of Sarubera Colliery of M/s. C.C.L. in terminating the services of Sh. Mukutdhari Prasad w.e.f. 24-3-1990 is justified. Consequently, the concerned workman is not entitled to get any relief."

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

का.आ.1801 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं मै. ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट (संदर्भ संख्या 130/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/21/1999-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1801.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 130/1999) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure

in the Industrial Dispute between the employers in relation to the management of M/s. E.C.L. and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/21/1999-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 1), DHANBAD

In the matter of a reference under Section 10(i)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 130 of 1999

Parties : Employers in relation to the management of
Mugma Area of M/s. ECL

AND

Their Workman

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the Management None

For the Union None

State: Jharkhand. Industry: Coal.

Dated, the 4th June, 2009

AWARD

By order No. L-20012/21/99-IR(C-I) dated 4-6-1999 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

अनुसूची

"क्या यूनियन की मांग कि श्री दगरणी महतो जो कि 150 HP हाउलेस्ट ओपरेट करते हैं को कैसे VI में वर्गीकृत किया जाए मान्य है? यदि हां तो कर्मकार किस उद्दत के साथ हैं तथा किस तारीख से?"

2. No one appears from either side inspite of notice being sent by speed post nor any steps have been taken on behalf of the sponsoring Union/workman.

In view of such circumstance it seems that neither the workman nor the Union is desirous to contest this case. And as such, I pass the No Dispute Award in this present Reference case

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

का.आ.1802 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं मै. सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण नं. 1, धनबाद के पंचट (सर्वे संख्या 169/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/387/1999-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1802.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 169/1999) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.C.L. and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/387/1999-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 1), DHANBAD

In the matter of a reference under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 169 of 1999

Parties : Employers in relation to the management of
Sayal Area of M/s. CCL,

AND

Their Workman

Present : Shri Hari Mangal Singh, Presiding Officer

APPEARANCES

For the Management : None

For the Union/workman : None

State : Jharkhand. Industry : Coal

Dated, the 4th May, 2009

AWARD

By order No. L-20012/387/99-I.R.(C-I) dated 14-10-1999 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

SCHEDULE

"Whether the denial of the Mgt. of C.C. Ltd. of Sayal Area to give pay protection to Shri Ram Kinker Singh and 342 other. While regularising them is justified and proper? If so, to what relief the workman are entitled to?"

2. This case was received from the Ministry and registered on 7-12-1999. But on 12-2-2009 none appears from either side nor written statement is filed on behalf of the sponsoring Union inspite of notices being sent by speed post. It seems that neither the workman nor the sponsoring Union is interested to contest their case further.

In view of such circumstances I pass the NO DISPUTE Award in this present Reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

सं.अ. 1803.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं सी.सी.एल. के प्रबंधकों के संघट्ट निवेदनकों और उनके कर्मचारों के बीच, अनुसरण में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचट (सर्वे संख्या 129/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/11/1999-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1803.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 129/1999) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.C.L. and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/11/1999-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 1), DHANBAD

In the matter of a reference under Section 10(1)(d)(2A) of the ID Act

Reference No. 129 of 1999

Parties : Employers in relation to the management of
M/s. Central Coalfields Ltd.

AND

Their Workman

Present : Shri H.M. Singh, Presiding Officer

APPEARANCES

For the employers : Shri D. K. Verma Advocate

For the Workman : None

State : Jharkhand. Industry : Coal.

Dated, the 1st May, 2009

AWARD

By order No. L-20012/11/99-IR(C-I) dated 4-6-1999 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand of National Coal Workers Congress before the C.C.L. Ranchi to pay promotional benefits, including monetary, to Shri S. C. Jha, Shri D. B. Jha, Shri B. N. Pandey and Shri P. Ray on their promotion *vide* order dated 8-5-1997 is justified? If so what relief and from what date such benefits are payable?”

2. The order of reference was received in this Tribunal on 15-6-1999. But none appeared on behalf of the workman to file written statement on behalf of the concerned workman. Therefore notice was sent by speed post on 12-1-2009 to the parties to file written statement on behalf of the workman. But till 13-2-2009 no written statement was filed. It seems that neither the concerned workman nor the sponsoring Union is interested to contest the case.

3. Under such circumstances, I render a ‘No Dispute’ Award in the present reference case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

का.आ. 1804.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट (संदर्भ संख्या 85/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/39/2006-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S.O. 1804.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 85/2006) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.C.L. and their workman, which was received by the Central Government on 2-6-2009.

[No. L-20012/39/2006-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 1), DHANBAD**

In the matter of a reference under Sec. 10(1)(d)(2A) of the ID Act

Reference No. 85 of 2006

Parties : Employers in relation to the management of Khas Mahal Project of M/s. C.C.L.

AND

Their Workman

Present : Shri H.M. Singh, Presiding Officer

APPEARANCES

For the employers : Shri D. K. Verma, Advocate

For the Workman : D. Mukherjee
State : Jharkhand. Industry : Coal.

Dated, the 1st May, 2009

AWARD

By order No. L-20012/39/2006-I.R.(CM-1) dated 30-8-2006 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

SCHEDULE

“Whether the demand of Rashtriya Koyla Mazdoor Union from the management of C.C.L. Khas Mahal Project, the Sh. Suresh Kumar Tripathi Loading Clerk may be given proper placement in the seniority list and given promotion as Assistant Loading Inspector Justified? If so to what relief is the workman entitled and from what date?”

2. Sri Gajendra Prasad Singh Joint Secretary, Rashtriya Koyala Mazdoor Union (B & K) appears on 13-3-2009 and filed a petition dated 12-3-2009.

3. It appears from his petition that the sponsoring Union does not want to contest the case further and prayed for passing a no dispute AWARD in this case.

In view of the above prayer I render a “No Dispute” Award in the present case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

का. आ. 1805.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न. 1, धनबाद के पंचाट (संदर्भ संख्या 135/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-20012/92/2001-आईआर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S. O. 1805.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 135/2001) of the Central Government Industrial Tribunal No. 1, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 2-6-2009.

[No. L-200012/92/2001-IR(C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference u/s. 10 (1) (d) (2A) of
I. D. Act

Reference No. 135 of 2001

Parties : Employers in relation to the mangement of
Hariajam Colliery of Mugma Area of M/s. Eastern
Coalfields Ltd.

AND

Their Workmen

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the Employers : Shri B. M. Prasad, Advocate

For the Workman : Shri S. N. Goswami, Advocate

State: Jharkhand. Industry : Coal.

Dated, the 13th May, 2009

AWARD

By Order No. L-20012/92/2001- C-I dated 18/24-5-2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management either in not providing light duty on surface to Sh. Gohari Lal Ram,

Underground Loader and stopping him from work or in not giving employment to his dependent as per Para 9.4.0 of N.C.W.A.—V is justified? If not, to what relief is the workman or his dependent entitled?”

2. Written Statement has been filed on behalf of the workman stating that Gohari Lal Ram is a permanent employee of Hariajam Colliery under Mugma, Area of M/s. E.C.L. working as Underground Loader having U/ MNO-831104. The concerned workman belongs to Harijan/ Scheduled Caste. Since the date of employment the concerned workman has been performing his job of U/G. Loader of the Colliery continuously with unblemished record of service. On 2-8-1995 while the concerned workman was working in underground of the colliery he received personal injury at about 11.45 A.M. due to fatal accident in mine, arising out of and in the course of his employment and sustained injury caused fracture RT/leg & L/thigh and after prolonged treatment of colliery Hospital, he was declared medically unfit/disablement by the Apex Medical Board for underground job and still the concerned workman is undergone treatment and cannot move without help of stick/LATHI. The management has intimated the report in Form-IV-A to the Coal Mines Welfare Commissioner, Dhanbad on 5-8-1995 by the Manager, Hariajam Colliery in respect of the fatal accident taken place in the colliery occurred and sustained injuries to Gohari Lal Ram, the concerned workman and Ganga Nahak, who died. The Apex Medical Board declared him disabled for underground job, therefore he was allowed for light duty on surface w.e.f. 12-7-1997 and the concerned workman was compelled to do the work for subsistence of the family member, because he is the only bread earner of the family for purpose of the tide over the distress for their livelihood. After sometime, the mangement stopped the work of light duty and deprived the only source of livelihood leaving his family in penury and without any means of livelihood The concerned workman made several representations to the management for providing light duty and the management neither made payment of compensation nor provided employment to his dependent as per para 9.4.0 of N.C.W.A.V. The concerned workman is legally entitled to get either light duty for the subsistence of the family or one employment in his place to his dependent under the social security and for the welfare of the family due to the circumstances occurred accident and sustained permanent injury out of and in the course of his employment. It has been prayed that an award be passed in favour of the workman.

3. Written Statment has been filed on behalf of management stating that the present reference is not legally maintainable. No right exists on any workman to demand for light duty under any provision of Certified Standing Order of NCWA. If any workman is unable to perform his normal duties, for whatsoever reason it may be, he cannot demand for light duty on the surface. Providing such

employment on compassionate ground is dependent purely on availability of light duties on the surface and that too, one can be provided light duty for temporary period only, as and when available. It has been stated that the concerned workman was appointed as underground loader at Harijam colliery on 11-12-72. In the course of carrying on his duty in underground mines, he met an accident on 2-3-95 and received injury on account of such accident. He was given specialised treatment by the management at their Sanctoria Hospital and he was discharged from the hospital after recovery on 17-11-95. He was paid full salary during the period of this treatment and all the medical expenses were borne by the company.

The concerned workman approached the management for providing him some light duty and on the recommendations of the medical authority, he was provided light duty on the surface for 3 months from 28-11-96 to 27-2-97. He was again provided light duty for another one month on the recommendation of the medical authority from 23-2-97 to 27-3-97. The concerned workman was again provided light duty for a period of three months w.e.f. 14-7-97 on the basis of recommendations made by the Medical Board on 17-4-97. He was again given light duty for a period of three months from 30-3-98 on the basis of recommendations made by the Apex Medical Board on 5-3-98. It has been stated that light duty could not be available on regular basis and after such difficulties, the management could arrange light duties for the concerned workman and he was provided light duties as and when the same could be made available. Such action of the management was purely on compassionate ground and no legal liability was existing on the management to provide such duty to him. The concerned workman was examined by the Medical Board on 20-8-98 for assessment of his disablement as per the provisions of Workmen's Compensation Act and payment of compensation to him as well as to find out his suitability for his original job. The said Medical Board declared him fit for his job and recommended six months disability compensation as per the provisions of Workman's Compensation Act. The concerned workman instructed to report for his original job and the management paid him the compensation amount as per the computation made by the Finance Department in accordance with the provisions of Workmen's Compensation Act. Thus the action of the management in providing him his original job after making necessary treatment bearing all expenses with payment of compensation to him and making him fit for his original job is bonafide justified. The concerned workman made a protest of incapable of performing his original job and abstained from his duties and filed a writ petition before the Hon'ble High Court pyirang for direction to be issued to the management to provide him light duty on regular basis. While disposing the aforesaid writ petition being No. CWJC No. 63 of 2001 the Hon'ble Jharkhand High Court, Ranchi passed an order dated 9-2-2001 by directing

the management to consider his case on the basis of representation dated 22-11-99 served to the management by his advocate, Shri Mahesh Tewari. The management examined the representation and issued the letter dated 22-5-2001 to Sri Mahesh Tewari, Advocate, on his representation after disposing all the points in issue. It has been stated that the concerned workman after availing of the opportunity before the Hon'ble High Court approached the A.L.C. (C) for making his reference to the Hon'ble Tribunal and the present reference has come for adjudication. It has also been stated that the concerned workman was never declared unfit for his original job by the Apex Medical Board and his service was not terminated on the ground of his medical unfitness, so the question of considering for employment of his dependent on compassionate ground did not and cannot arise. It has been submitted that the concerned workman cannot demand for employment of his dependent unless his service is terminated after declaring him medical unfit to perform his duties.

As the concerned workman himself responsible for not reporting for his duties even the Apex Medical Board declared him fit for his original job, he is to be blamed for remaining absent for his duties and the management is at liberty to take disciplinary action against him. It has been prayed that the Hon'ble Tribunal be graciously pleased to pass an award holding that the concerned workman is not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. The management has produced MW-1 Prasant Kumar who has proved documents as Exts. M-1 to M-5.

The concerned workman has produced WW-1 - Abdul Rahman who has proved documents Exts. W-1 to W-3.

The concerned workman has produced himself as WW-2.

6. The main argument advanced on behalf of the concerned workman that he became medically unfit due to accident on 2-8-1995 at about 11-45 AM and he received personal injuries due to said fatal accident arising out of and in the course of his employment. In this accident one of his co-worker died and the concerned workman was badly sustained injury resulting his right leg and left thigh became fracture and he was admitted in colliery hospital and lastly he declared medically unfit for his underground job by the Apex Medical Board and continued undergone treatment for more than five years, however, the concerned workman is alive, but cannot move without help of stick/Lathi. The management has report the fatal accident in form prescribed under Section 10 B (Rule-11) of the Workmen's Compensation Act, 1923, by the Manager, Harijam Colliery, who is the competent person in mines under the mines Act, 1952 in respect of sustained bodily injuries of the

concerned workman. The management neither deposited the compensation amounts nor provided light duty for the welfare of the distress family members who were facing a lot of penury crisis due to said suddenly met an accident. The concerned workman made several representation to the management to mitigate the problem either providing employment his dependent as per the provisions under Para No. 9.4.0 of NCWA- V is in vague and operative as well as lawfully implementing in coal Industry/ CIL. 9.4.0 "Employment to one dependent of a workman who is permanently disabled in his place."

(i) The disablement of the worker concerned should arise from injury or disease, be of a permanent nature resulting into loss of employment and it should be so certified by the Coal Company concerned.

The management deprived the concerned workman in neither providing light duty on surface with wage protection nor providing employment to his dependent under the provisions of Para 9.4.0 of NCWA-V nor deposited the compensation amount for payment him for "total disablement" as per the provisions of Sec. 4 (1) (b) of the Workmen's Compensation Act, 1923, accordingly comes to Rs. 97.46 with interest thereon. Under Sect. 2 (1) of the Act whether a workman incapacitated of a temporary or permanent nature for all work which he was capable of performing at the time the accident resulting in such disablement. The workman adduced two witnesses examined and exhibited document, made as Ext. W- 1 is the representation sent to the management dated 25-9- 98, Ext. W- 2 and W-2/1 letters received from the management dated 5-8-95 and 16-10-2001 and Ext. W- 3 copy of injury report granted by Doctor. WW-1 Abdul Rahaman, who was the Attendance Clerk if Hariajam colliery, stated that the concerned workman Gohari Lal Ram, under ground loader of Hariajam colliery was on duty on 2-8-95 and while on duty he met with an accident due to fallen proof and due this accident one workman died and concerned workman and others received injury and due that accident the upper portion of the left leg and right thigh of the concerned workman had been fractured. The concerned workman remained undergone treatment /medical treatment more than two years. He became quite incapable of working underground mine. Still the concerned workman walks with the help of stick. Despite of having become permanently disabled the dependent of the concerned workman was not provided employment by the management in place. The management has examined one witness as MW-1, who has stated in examination-in-chief that the concerned workman while was working as underground loader met with an accident and he proved document, Ext. M-1, medical report, Ext. M-2 letter of allowing duty on surface and Ext. M-2/2 respectively. Exts. M-3 and M-4 are letters of the General Manager and Ex. M-4 and M-5 are the order of Hon'ble High Court, Ranchi. During cross-examination MW-1 admitted that the accident and

sustained injuries of the concerned workman and due to said accident the right leg and right thigh of the concerned workman had been fractured. He also admitted that it is true that still he walks with the help of a stick and also stated that it is not mentioned in the said report that he was found to be fit for underground duty (Ext.M-4) and said that when a workman becomes disabled and declared unfit his dependent is provided employment in his place. Under special security of Para 9.4.0 of NCWA - V is lawful applicable and the main object of the provisions is that "Employment to one dependent of a worker who is permanently disabled due to accident arising out of and in the course of his employment to provide employment to his dependent to mitigate the immediate hardship of the bread earner and to tide bread over the distress of penury crisis of the said victims family. The concerned workman has been superannuated from service of the company on attaining the age of 60 years w.e.f. 31-12-2003 during the pendency of the above reference. It has been argued by the workman that he was on surface duty of Category-V. since the date of his disablement due to sustained injury received arising out of and in the course of his employment caused by accident and to provide employment to his dependent as per the provisions of Para 9.4.0 of NCWA and compensation accordingly.

7. In this respect the management's counsel argued that the concerned workman was found fit by the Medical Board and when the concerned workman was found fit no question of giving employment to his dependent arises. The management has referred Medical Board's report (Ext. M-1) in which the Medical Board has declared him fit for duty as Genefal Mazdoor, Fitter helper on surface for three months. He was given light duty as per Ext. M-2 for one month and as per Ext. M-2/1 he was also given light duty for another one month and by Ext. M-2/2 he was given light duty for three months. As per Ext. M-4 he was found fit for duty on 18/19-9-98. So when he was found fit and there was no medical report that he was unfit for duty, so no employment can be given by the management under the provision of Para 9.4.0 of NCWA-V. Ext. W-2 is the report sent to C.M.W.C., Dhanbad by the Manager, Hariajam Colliery about the accident and Ext. W-2/1 was for joining service by the concerned workman after accident. The concerned workman has already superannuated. He (WW-2) has stated in cross-examination that he was not served with any paper by Medical Board to the effect that "I am not unfit for the original job. I am not terminated on medical ground. It shows that he has got no paper granted by the Medical Board that he is unfit for original job. It shows that he was fit for original job. So, there is no question of giving employment to his dependent.

8. In view of the discussions made above, I find that the action of the management is justified and the concerned workman is not entitled to any relief.

9. Accordingly, I render the following award—

The action of the management either in not providing light duty on surface to Sh. Gohari Lal Ram, Underground Loader and stopping him from work or in not giving employment to his dependent as per Para 9.4.0 of NCWA-V is justified and the concerned workman is not entitled to any relief.

H. M. SINGH, Presiding Officer

नई दिल्ली, 2 जून, 2009

का. आ. 1806.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. I, धनबाद के पंचाट (संदर्भ संख्या 166/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-2009 को प्राप्त हुआ था।

[सं. एल-12012/71/1999-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 2nd June, 2009

S. O. 1806.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 166/1999) of the Central Government Industrial Tribunal-Cum-Labour Court, No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workman, received by the Central Government on 2-6-2009.

[No. L-12012/71/1999-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10 (1) (d) (2A) of I. D. Act

Reference No. 166/99

Parties : Employers in relation to the management of M/s State Bank of India Muzaffarpur.

And

Their Workman.

Present : Shri H. M. Singh, Presiding Officer

APPEARANCES

For the Employers : None

For the Workman : None

State: Jharkhand. Industry: Bank

Passed on 5th May, 2009

AWARD

By Order No. L-12012/71/99-IR (B-I) dated 7-9-99 the Central Government in the Ministry of Labour has in exercise of the Powers conferred by clause (d) of sub-section (i) and sub-section (2A) of Section 10 of the

Industrial Disputes Act, 1947, referred the following dispute for adjudication in this Tribunal :

“Whether the action of the Management of State Bank of India Muzaffarpur in transferring Sri P.K. Bhagat, Circle President of Union from Derbhanga to Siwan Bazar amounts to violation of the provisions of Shastri Award (Para-535) & unfair Labour Practice? If so to what relief the workman is entitled?”

2. This reference case was received in this Tribunal on 28-9-99. But even on 19-2-09 neither concern workman nor sponsoring union appeared and filed written statement on behalf of the concerned workman. It appears that neither the concerned workmen nor the sponsoring union is interested to contest the case.

3. In such circumstances I render “No dispute” Award in this case.

H. M. SINGH, Presiding Officer

नई दिल्ली, 3 जून, 2009

का. आ. 1807.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ ट्रान्सकोर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, एरनाकुलम के पंचाट (संदर्भ संख्या 139/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-6-2009 को प्राप्त हुआ था।

[सं. एल-12012/437/2001-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 3rd June, 2009

S.O. 1807.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 139/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam, as shown in the Annexure in the Industrial Dispute between the management of State Bank of Travancore Ltd. and their workman, received by the Central Government on 3-6-2009.

[No. L-12012/437/2001-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Parties : Shri P. L. Norbert, B.A. LL.B., Presiding Officer (Tuesday the 12th day of May, 2009)

I.D. 139 OF 2006

(I. D. 21 / 2002 of Industrial Tribunal, Kollam)

Workman : Shri. P. Raju,
Maliyil Thekkathil,
Vedakkumthala East P.O.,
Karunagappally, Kollam-690 536.
By Adv. Sri N. K. Karnis.

Management : The Managing Director,
State Bank of Travancore,
Head Office,
Poojappura, Trivandrum-
695012.

By Adv. P. Ramakrishnan.

The case coming up for final hearing on 6-5-2009, the Tribunal on 12-5-2009 passed the following Award.

AWARD

This is a reference made by Central Government under Section 10(1) (d) of Industrial Disputes Act, 1947. The reference is :

“ Whether the action of the management of State Bank of Travancore in relation to their Kayamkulam Branch in dismissing Shri. P. Raju, Head Peon from service with effect from 8-2-2001 is justified? If not, what relief the workman concerned is entitled?”

2. Facts of the case in brief are as follows:— Shri P. Raju entered service in State Bank of Travancore in May 1992. He was Head Peon of Kayamkulam Branch in 1999. He was charge sheeted on 14-12-1999 for removing a leaf from cheque book issued to a customer and misusing that cheque leaf for withdrawing Rs. 20,000 from the account of the customer. When the customer's daughter approached with a cheque for withdrawing money there was no enough balance in the account. This was brought to the notice of the Manager and account was verified and the fraudulent withdrawal of Rs. 20,000 was detected. There is one more allegation that the worker had tampered with the address written on the cover enclosing cheque book to the account holder by altering the post box number. The cover containing the cheque book returned undelivered. The cover was opened by the Manager in the presence of staff and found that one of the cheque leaf was missing. After verifying records a memo was issued to the workman. It was followed by the charge sheet. The workman denied all the allegations against him. The management was not satisfied with the explanation of the workman and hence an enquiry was ordered. In the enquiry he was found guilty of all the charges. The disciplinary authority dismissed him from service. Hence the reference.

3. According to the workman he was not committed any of the misconduct alleged against him. The Manager, who failed in his duty to verify the cheque presented for encashment, is trying to shirk his responsibility by imputing allegations to him. At the instance of the Manager Kayamkulam police took him into custody and brutally manhandled him and extracted a confession statement admitting the guilt. A farce of an enquiry was conducted. The Enquiry Officer did not comply with the principles of natural justice. No opportunity was given for cross examination of management witnesses and production of

documents by the defence. The brother of the workman had remitted Rs. 20,000 without the knowledge of the workman. The service of the workman in the bank from 1992 without any complaint was not considered by the disciplinary authority. The punishment is harsh and excessive. The workman belongs to a schedule caste community. He has to look after wife, two daughters and aged and sick parents. The workman is entitled to be reinstated.

4. According to the management the workman has committed gross misconduct of fraudulent withdrawal of Rs. 20,000 from the account of an NRE SB account holder. Since the explanation of the workman to the charge sheet was not satisfactory enquiry was ordered. The enquiry officer had given sufficient opportunity to the workman to cross examine witnesses and adduce defence evidence. He was given a copy of enquiry report and an opportunity to represent. Thereafter notice was given proposing punishment and giving him a personal hearing. However he did not avail the opportunity. Considering the gravity of the misconduct the workman was dismissed from service. Though the workman filed an appeal, he did not succeed. The management denies torture by police and obtainment of forced statement from the workman. The amount fraudulently withdrawn was made good by remitting Rs. 20,000. The workman was never victimised by the management. No criminal case was registered against the workman. The report is based on evidence. There is no irregularity or impropriety in the disciplinary proceedings.

5. In the light of the above contentions the following points arise for consideration.

1. Are the findings sustainable ?
2. Is the punishment proper ?

The evidence consists of the oral testimony of MW1 and documentary evidence of Ext. M1 enquiry file alone.

6. Point No. 1 :—Charge sheet dated 14-12-1999 contains three charges.

(1) Surreptitious removal of cheque leaf from a cheque book issued to Smt. N. Vijayamma an NRE SB Account holder.

(2) Tampering with the address written on the cover containing cheque book sent to Smt. N. Vijayamma by altering post box number by the workman.

(3) Fraudulent withdrawal of Rs. 20,000 from the account of Smt. N. Vijayamma by using the cheque leaf taken away from the cheque book.

7. The first charge is that the workman had removed stealthily a cheque leaf from the cheque book sent by post to overseas address of Smt. N. Vijayamma. In the explanation to charges the workman has denied the allegation. According to him he had nothing to do with the process of

despatching the cheque book. PW2 Smt. R. Ambikakumari is the typist clerk of Kayamkulam branch. She says that in Ext. PEX-3 cheque issued register the entry regarding despatch of the cheque book to Smt. N. Vijayamma, was made by her. She says that she had verified the cheque book at the time of despatch and there were 20 cheque leaf in the book. Ext. PEX-4 is NRE letters outward register. According to PW2 she had entered the details of cheque book in the register. She also says that she had written the address of Smt. N. Vijayamma on the cover and then it was forwarded to the despatch section through the workman. She admits that Ext. PEX-12 is the cover written by her and entrusted to the workman for taking it to the despatch section. When the cover containing the cheque book returned undelivered the cover was opened by the manager in the presence of staff including PW2 and she has signed as a witness in the statement prepared to that effect by the manager. PW4 Smt. M. A. Sujatha was the typist clerk of the branch at that time. According to her she had entered details of cheque book in SB ledger (Ext. PEX-2). After verifying the cheque issued register Ext. PEX-3 she had handed over the cover to the workman for despatch. At that time the cheque book and the cover were intact. She has also deposed that the workman was working in NRE section for the last two months. PW6 Smt. P. S. Geetha was the Head Clerk. According to her in Ext. PEX-4 outward register the concerned Sl. No. 206 was initialled by her. She had supervised the process of enclosing the cheque book in the cover and gumming it. This evidence of the management witnesses and documents are supplemented by the confession statement of the workman (Ext. PEX-10). He admits the guilt of having removed a cheque leaf from the cheque book. But it is contended by the learned counsel for the workman that the confession statement was obtained by force and threat while in the custody of the police. However admittedly no case was registered. But the workman contends that a complaint was filed by the Manager and he was taken into custody and brutally manhandled by the police. It has come out that the brother of workman was a Police Constable of the same police station. The possibility of manhandling the workman therefore is too remote. There is no evidence to show that either a case was registered or he was in the custody of the police. However PW1 says that the workman had accompanied him to the police station, But he was made to stand outside the station while PW1 went into the cabin of Sub Inspector. But more than that there is no admission by any management witness that a case was registered or the workman was taken into custody by the police. It is relevant to note that the confession statement Ext. PEX-10 was given on 16-09-1999 to the Chief Manager PW1). The charge sheet was issued on 14-12-1999 three months after Ext. PEX-10. A reply to the charge sheet was submitted by the workman on 24-12-1999. Now even a whisper is there in the reply that confession statement was obtained under threat or while in custody of the police. The workman was under

suspension since September 1999. He was free to complain to higher officials of the bank or to police that an admission statement was obtained from him by threat and force. But he did not do so. It is during domestic enquiry that such a contention was taken by the worker. It can be considered only as a subsequent through and therefore lacks bona fides. The natural reaction of person who happens to give a forced confession statement is to protest and complain as soon as he is out of the clutches of the persons who threatened him. That was not the behavior of the workman. Ext. PEX-10 was given in the presence of 19 witnesses (staff of the bank). Therefore there is no merit in the contention of the worker that Ext. PEX-10 is not a voluntary statement. The workman is pinned to the statement in Ext. PEX-10. The further contention of the learned counsel for the worker that the finding is entered merely on the strength of the confession statement is meritless as the evidence on the management side referred above will go to show that there are enough materials on record to prove the guilt of the workman that cheque leaf was removed by him.

8. It is next alleged that the cover containing cheque book addressed to Smt. N. Vijayamma was entrusted to the workman for sending it by post. But the workman altered the Post Box Number by inserting '1' before '49' and making it '149'. It was addressed to a gulf country. Naturally the cover was not delivered as the address was not proper and it returned. The cover was opened in the presence of some of the staff. Ext. PEX-14 is a statement prepared at the time the returned cover was opened and cheque book was verified and found to contain only 19 cheque leaves instead of 20. In Ext. PEX-10 the workman admits that a cheque leaf was taken away by him. In the explanation the workman has no case that the cover was not entrusted to him for sending it by post. He merely denies the process of issuing cheque book, entering them in registers and make it ready for despatch. The cheque leaf was misused for withdrawing Rs. 20,000 from the account of Smt. N. Vijayamma. Thus the circumstances and admission of the workman prove the case of the management that it is due to the manipulation of the address of the account holder that the cheque book could not be delivered. The finding of the Enquiry Officer therefore does not require any modification.

9. The 3rd charge is that on 13-09-1999 using a stolen cheque leaf the workman withdrew Rs. 20,000 from the account of Smt. N. Vijayamma. Ext. PEX-9 is the cheque leaf. Cheque was written in favour of one T. Valsala forging the signature of NRE account holder Smt. N. Vijayamma. PW1 Chief Manager says that the handwriting in Ext. PEX-9 is similar to the handwriting of the workman. T. Valsala was a part-time sweeper at that time. Ext. PEX-13 is attendance register of part-time sweepers. Ext. PEX-9 cheque was passed by PW5 Manager (R. Sivasankaran Nair). According to him the cheque was brought by the workman. PW5 was told by the workman that the account holder was known to him. Therefore he did not verify the

specimen signature of the account holder while passing the cheque. Ext. PEX-6 is the account opening form containing the specimen signature of Smt. N. Vijayamma. Ext. PEX-9 cheque contains a signature somewhat similar to the specimen signature though on close scrutiny it can be seen that they are not same. PW3 Smt. Susy John, clerk of NRE section says that the cheque was posted by her in Ext. PEX-2 NRE SB ledger. Then the cheque was entrusted to the workman for taking it to the Manager for passing the cheque. After the cheque was passed and got back a token was issued by her. She also says that she remembers to have issued the token to a lady. But she is not sure. However the workman in unequivocal terms admits in the confession statement that he had withdrawn Rs. 20,000 from the account of Smt. N. Vijayamma by using the cheque leaf taken away by him. Ext. PEX-2 SB ledger sheet shows that on 13-09-1999 Rs. 20,000 was withdrawn from the account of Smt. N. Vijayamma. Exts. PEX-7 and 8 are Manager's Cash Scroll and Cashiers Scroll dated 13-09-1999 showing the payment. The evidence thus go to show that the workman had fraudulently withdrawn Rs. 20,000 from the account of Smt. N. Vijayamma and is guilty.

10. Thus the findings on all the charges are recorded on the basis of the evidence as well as the confession statement of the workman and require no interference.

11. Point No. 2 :—The punishment imposed is dismissal from service. Though he filed an appeal he did not succeed. The contention of the workman is that he is from a poor family and has to look after his wife, two daughters and aged and sick parents. He was in the service of the bank for nine years. The fact that he has to look after his family is no mitigating circumstance to reduce the punishment honesty and trustworthiness should be the hallmark of a bank employee who is dealing with public money. Unless the public has trust in a bank they may hesitate to approach. Therefore the management cannot take a lenient view when fraud is committed by an employee. Looked at that angle I don't think any leniency is to be shown in the matter of punishment. Hence I refrain from altering the punishment.

In the result an award is passed finding that the action of the management in imposing the punishment of dismissal from service is legal and justified and the workman is not entitled for any relief.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 12th day of May, 2009.

P.L. NORBERT, Presiding Officer

APPENDIX

Witnesses for Workman : NIL

Witnesses for Management

MW1 : 12-1-2009 : V. Rajasekharan Nair.

Exhibit for the Workman : NIL

Exhibit for the Management

M1 : Enquiry File.

नई दिल्ली, 3 जून, 2009

क्र. अ. 1008.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्ड बैंक हाउसिंग लिमि. के प्रबंधकों के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, एरनाकुलम के पंचाट (संदर्भ संख्या 120/2006) को प्रकटित करती है, जो केन्द्रीय सरकार को 3-6-2009 को प्राप्त हुआ था।

[सं. एल-12012/343/99-आईआर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 3rd June, 2009

S. O. 1008.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 120/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam, as shown in the Annexure in the Industrial Dispute between the management of Ind. Bank Housing Ltd. and their workmen, received by the Central Government on 3-6-2009.

[No. L-12012/343/99-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri P. L. Norbert, B.A., LL. B., Presiding Officer
(Tuesday the 19th day of May, 2009/29th Vaisakha, 1931)

I.D. 120/2006

(I.D. 1/2000 of Labour Court, Kollam)

APPEARANCE

Workman : Sri M. Sreekumar,
T. K. Bhavanam,
Parakanam, Pappanamcode
P. O., Thiruvananthapuram-18
By Adv. Sri V. Pratapachandran.

Management : The Managing Director,
Ind. Bank Housing Ltd.,
31, Rajaji Salai,
Madras-600 001.

This case coming up for hearing on 18-5-2009, this Tribunal-cum-Labour Court, on 19-5-2009 passed the following.

AWARD

This is a reference made under Section 10 (1)(d) of Industrial Disputes Act challenging the termination of service.

2. The case was referred initially to State Labour Court, Kollam and was transferred to this court in 2006. The parties entered appearance and filed their pleadings.

3. According to the workman, Sri M. Sreekumar, he was employed as Peon in Trivandrum Branch of Ind. Bank Housing Ltd. on 2-3-1994. He was working continuously since then. While so, he fell sick on 30-7-1997. He informed the Bank Manager about his illness. However on 4-8-1997 the management terminated his service. There is no allegation against him. He was neither given a show-cause notice nor an enquiry was conducted. The termination is illegal. He had worked more than 240 days continuously.

4. According to the management the worker was engaged on contract basis to do the jobs of sub staff. Since the branch was small no full time sub-staff was required. The contract was for sweeping, providing drinking water, posting tapals etc. A substituted had to be provided in case of his absence. From 30-7-1997 he remained absent and no substitute was provided. This affected the smooth functioning of the branch. Hence the contract was terminated by letter dated 4-8-1997. He was not an employee of the management. He was only a contract worker. There is no illegality in terminating the contract. At any rate the Trivandrum branch was closed on 1-12-2005. He is not entitled for any relief.

5. When the case came up for evidence the management remained absent and there was no representation. The reference was made in 1999. There is no point in keeping the case pending any more. The documents produced by the workman are marked as Exts. W 1 to 5. They prove the case of the workman. On the contrary the management has not produced any document. The service of the worker was terminated without notice or retrenchment compensation. Hence the termination is illegal and in violation of S-25-F of I. D. Act.

In the result an award is passed finding that the action of the management in terminating the service of Sri M. Sreekumar w.e.f. 4-8-1997 is illegal and unjustified and he is entitled to be reinstated with back wages and other benefits.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 19th day of May, 2009.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the Workman Nil

Witness for the Management Nil

Exhibits for the Workman

W 1 12-12-1996 Revision of salary.

W 2 05-05-1997 Medical Certificate.

W 3 04-08-1997 Termination Order.

W 4 07-09-1998 Letter to the Branch Manager

W 5 - Reply letter sent by the Branch Manager to the workman.

Exhibit for the Management Nil

नई दिल्ली, 4 जून, 2009

का. आ. 1809.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 127/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-6-2009 को प्राप्त हुआ था।

[सं. एल-22012/426/2003-आईआर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 4th June, 2009

S. O. 1809.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 127/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on 4-6-2009.

[No. L-22012/426/2003-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
LUCKNOW**

Present : N. K. Purohit, Presiding Officer

I. D. No. 127/2004

Ref. No. L-22012/426/2003-IR (CM-II) dated : 8-11-2004

BETWEEN.

The State Secretary,
Bhartiya Khadya Nigam Karamachari Sangh,
5-6, Habibullah Estate, Hazratganj, Lucknow-226 001
(Espousing case of Shri Saroj Kumar Singh)

AND

The Sr. Regional Manager
Food Corporation of India, 5-6, Habibullah Estate,
Hazratganj, Lucknow-226001

AWARD

28-5-2009

1. By order No. L-22012/426/2003-IR (CM-II) dated 8-11-2004 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this Industrial Dispute between The State Secretary, Bhartiya Khadya Nigam Karamachari Sangh, 5-6, Habibul Estate, Hazratganj, Lucknow (Espousing cause of Shri Saroj Kumar Singh) and the Sr. Regional Manager, Food Corporation of India, 5-6, Habibullah Estate, Hazratganj, Lucknow for adjudication.

2. The reference under adjudication is :

“Kya prabandhan, Bharitya Khadya Nigam, Lucknow dwara karmkar Shri Saroj Kumar Singh, T.A. 1 ko dandadesh diya 4-5-2000, 3-5-2003 avam 10-3-2003 ke dwara dand diya jana uchit tatha nayaysangat hai? Yadi nahi, to karmkar kis anutosh ko pane ka adhikari hai?”

3. The admitted case of the parties is that the workman, Shri Saroj Kumar Singh was served upon three different charge sheets whereby he was charged with different charges and was punished with punishment orders dated 4-5-2000, 5-5-2003 and 10-3-2003.

4. The workman's union in its statement of claim has detailed the description of charges leveled against him *vide* different charge sheets and punishment order as under:

- (i) It has been alleged that the workman was served upon charge sheet dated 11-2-1998 under Regulation 58 of the FCI (Staff) Regulation, 1971 (hereinafter called as Regulation, 1971) whereby he was charged with accepting of BRL rice stocks at FSD Puranpur for his personal gain & replacement of BRL rice stocks by good quality of rice stocks of 9 stacks as against 31 BRL stacks, in contravention of the Regulation, 31 & 32 read with 32 (A) of FCI (Staff) Regulation, 1971 and after conducting an enquiry into the charges the workman was punished with impugned order dated 4-5-2000, imposing a penalty of stoppage of 3 annual increments for the year 2001 to 2003.
- (ii) The workman was served upon another charge sheet dated 24-1-2002 for alleged storage loss amounting to Rs. 32,834.10 under Regulation, 60 of Staff Regulation, 1971 and passed the impugned order dated 3-5-2003, imposing a penalty for recovery of Rs. 25,675.75.
- (iii) Third charge sheet dated 8-1-2003 under Regulation, 60 of the Staff Regulation, 1971

for alleged misconduct of accepting BRL rice against the specification laid down by the Government of India for the year 2000-2001 and the workman was imposed a penalty of deduction by one stage in present time scale of pay for one year *vide* impugned order dated 10-3-2003.

5. It has been submitted by the workman's union that the all the charge sheets, issued by the management of FCI were illegal, arbitrary, malafide, without jurisdiction and were against the settled principles of principles of law.

Further, it has been alleged by the workman's union that the management of FCI passed the impugned order dated 4-5-2000 taking into consideration the report of enquiry officer who found the charges to be partially proved against the workman and without considering the reply of the workman or evidence on record and the appeal filed against the impugned order is still pending.

As regard impugned order dated 3-5-2003, the workman's union has submitted that the charge sheet dated 24-1-2002 for storage loss was not supported with any evidence as there is no norm in FCI to decide the justification of storage loss. Also, the conditions that led to the storage loss, due to loss of moisture content, was the responsibility of the Quality Control Wing, to maintain the quality of the food grain and was beyond the control of the workman. Further it has submitted that the workman was not the custodian of the stock, therefore, he cannot be held responsible for storage loss. The workman's union has also pointed out that though the workman was charged for loss of Rs. 32,834.10 but was punished *vide* impugned order dated 3-5-2003 for recovery of Rs. 25,675.75 in as unjustified manner.

As regard impugned order dated 10-3-2003, the union has alleged that the reply of the workman has not been considered and the said order is illegal and arbitrary.

6. Accordingly the workman's union has prayed that the impugned order dated 4-5-2000, 3-5-2003 and 10-3-2003 may be set aside with all consequential benefits.

7. The management of FCI has disputed the claim of the workman's union by filing its written statement wherein it has stated that it is incorrect to say that the impugned orders were passed without considering the reply of the workman or evidence on record in an arbitrary or malafied manner in disregard to the principles laid down by the law. The management has submitted that the impugned order dated 4-5-2000 was outcome of the findings of the enquiry officer, who found the workman to be partially responsible for the alleged misconduct and the enquiry report was based on the evidence relied on before it. Contradicting the claim of the workman regarding non-disposal of his appeal against impugned order dated 4-5-2000, the management has submitted that it has been disposed of by

the Zonal Manager (North) on 8-7-2004 whereby the Competent Authority has reduced the quantum of punishment to the stoppage of two increments without cumulative effect.

It has been reiterated by the FCI that the impugned order dated 3-5-2003 was passed after due consideration to the material available before it and it has been submitted that the workman with Quality Control Wing was custodian of the stock and accordingly was accountable for unreasonable loss. Thus, it has been submitted by the management of FCI that the workman was rightly charged and punished with the impugned order dated 3-5-2003 after complying with due formalities required by the principles of natural justice, which is reflected in the impugned order itself whereby the workman was punished for recovery of Rs. 25,675.75 only.

As regard impugned order dated 10-3-2003, it has been submitted by the FCI that it has been passed after considering merit of the case, reply of the workman and natural aspect and there is nothing illegal in it.

8. According, the management of FCI has prayed that the claim of the workman's union is liable to be rejected without any relief to it.

9. The union has filed rejoinder whereby it has only reiterated its averments in the statement of claim and has not introduced any new fact.

10. The parties submitted documentary evidence in support of their respective cases. During course of the proceedings the workman's union mentioned that it does not want to produce any witness in support of their case accordingly, the management of FCI also did not produce any witness in support of their averments.

11. Heard learned representatives of both the sides and perused relevant material on record.

Impugned order dated: 04-05-2000

12. The workman in his statement of claim has challenged the validity of impugned order dated 4-5-2000, imposing penalty of stoppage of three annual increments for year 2001 to 2003 with cumulative effect. It is evident from the pleadings of the both the sides that an appeal against the said impugned order before opposite party No. 1, filed by the workman has already been decided by the Zonal Manager vide its order dated 7-7-2004, whereby the penalty imposed by the said impugned order has been reduced to two increments without cumulative effect. The learned representative on behalf of the workman has submitted that the workman is satisfied with the said appellate order and as such he submits that he does not press the question regarding justification of impugned order dated 4-5-2000, therefore, there is no need to consider the justification of said impugned order on merit.

Impugned Order dated : 3-5-2003 :

13. Now the next question for consideration is whether order dated 3-5-2003 imposing penalty of recovery of Rs. 25,675.75, is illegal or arbitrary? In this regard both the sides have not adduced any oral evidence. The workman has produced copies of memo dated 24-1-2002 (6/43), reply of the charge sheet dated 28-2-2002 (6/45) and penalty order dated 3-5-2003 (6/46). In rebuttal, the management has not filed any document relating to said impugned order.

14. The learned representative on behalf of the workman has challenged the impugned order dated 3-5-2003 on the ground that reply of the workman has not been considered and the opposite party No. 1 has failed to give the basis on which it has come to conclusion that loss of food grain amounting to Rs. 7158.35 was justified and balanced loss of Rs. 25,675.75 was unjustified. He has further contended that finding is not on the issue as such there is violation of Regulation 60(1)(d) of Staff Regulations, 1971. He has further urged that no document has been referred in the charge sheet and findings are vague and without application of mind. He has also alleged that workman resumed his duty in FSD, Pilibhit on 1-4-97 and the stock was accepted in March, 97 prior to his joining Pilibhit depot as such acceptance of stock with high percentage of moisture in connivance with other staff does not arise. There is no finding in impugned order on this issue, therefore, the said order is arbitrary and illegal. In rebuttal, learned representative on behalf of the management has argued that due weightage has been given to the reply of the workman together with period of storage, reduction of moisture and all other relevant material. The impugned order is legal and justified.

15. I have given my thoughtful consideration on the rival submissions of both the parties. The impugned order dated 3-5-2003, is as under :

"Whereas Shri S.K. Singh, T.A. 1 was given an opportunity to submit the representation against the said Memorandum. He submitted his representation dated 28-2-02.

The undersigned after careful and dispassionate examination of the representation submitted by the C.O. Charge sheet documents related to the case finds that the points of representation furnished by C.O. on abnormal storage loss in his Unit are not convincing. The undersigned after considering he reasons given by the C.O. for storage loss in his submission to charge sheet and also taking into account the driage due to reduction in moisture content, storage period etc. still finds that the loss to the tune of Rs. 25675.75 only in monetary value remained unjustified. These losses are due to carelessness and negligence on part of said Shri S.K. Singh, TA 1. In my opinion penalty of recovery of Rs. 25675.75 only will meet the ends of justice."

16. Upon a perusal of the said impugned order it is evident that contention which has been raised by the workman in his reply has not been considered. The impugned order has been passed in a very casual manner. Regulation 60 is pertaining to procedure for imposing minor penalty of which clause (1) (d) envisages that no order imposing on a employee any of the penalties specified in clauses (i) to (iv) of Regulation 54 shall be made except after recording a finding on each imputation of misconduct or misbehavior. An order under said Regulation need not contain an elaborate reason. But that does not mean that the order of the Disciplinary Authority need not contain any reason at all. Whether there was application of mind or not can only be disclosed if reasons, which led to the conclusions, are mentioned by such authority. Finding under said Regulation must contain some reason at least in brief, for his disagreement with the contentions in the reply of the workman. The purpose of disclosures of reason is that unless they are disclosed a workman cannot know whether the authority concerned has applied his mind to his reply. Also, giving reasons minimize chances of arbitrariness. It is also essential of rule of law and principles of natural justice.

17. It is well settled legal position that Tribunal would not interfere the findings of inquiry officer or Disciplinary Authority as matter of course. The Tribunal shall not sit as Appellate Authority over the orders of Disciplinary Authority and substitute its own conclusion in place of the conclusion by the Disciplinary Authority. But, this does not mean that in all circumstances the Tribunal cannot interfere.

18. In the instant case the Disciplinary Authority has not assigned any reason, why he did not find the contentions of the workman in his representation, convincing. There is no recording of finding on the alleged misconduct after considering the contentions in the reply of the workman, wherein he has contended that he resumed duty at FSD Pilibhit on 1-4-97, but the stock was accepted in March, 1997 prior to his joining, therefore, acceptance of stock, with larger percentage of moisture, in connivance with other staff does not arise. Further, according to penalty order loss of Rs. 25,675.75 was alleged to be justified after taking into account the diriage due to reduction in moisture contents, storage period etc. But the basis on which the Disciplinary Authority arrived on the conclusion that out of loss amounting to Rs. 32,834.10 as mentioned in the charge sheet only loss of Rs. 25,675.75 only is unjustified, is not mentioned. Thus, it is evident from the impugned order itself that it is arbitrary, non-speaking, non-reasoned, unjustified, with non-application of mind and inviolation of Regulation 60 (1) of the Regulation 1971.

19. In view of the above discussion, the impugned order dated 3-5-2003 is liable to be set aside.

Impugned Order Dated 10-3-2003 :

20. Vide memo dated 8-1-2003 (6/48) a statement of following alleged misconduct (6/49) was served upon the workman :

“The said Sri S.K. Singh, T A I while posted and functioning as such at FSD/RFC, Pilibit Godowns failed to maintain absolute integrity sincerity and devotion to duty and acted in a manner contrary to the conduct of honest, sincere and devoted employee of the Corporation by conducting the following misconduct detailed as under :—

The Sri S. K. Singh, T A I while posted at FSD Pilibit during Kharif 2000-2001 and was entrusted with the work of acceptance of levy rice being offered by State Government for Central Pool. The Rice was to be accepted strictly in conformity of the specification laid down by the Government of India for the year 2000-2001 but it was observed that Sri S.K. Singh T A I was negligent towards his duties and defying the specification accepted BRL Rice at FSD, Pilibit.

The above is evident from the fact that R.O. Squad inspected the FSD/RFC Godown Philibit during August 2001 and jointly drew 4 samples of Rice along with concerned TAs. The same were got analyzed at District Lab. On 8-8-2001 and it was found that stocks stored in stack No. RFC3/9 was having damage percentage of 2.2% against prescribed limit of 2%. The above fact shows that Sri S.K. Singh. TAI has accepted BRL Rice.

Thus Sri S.K. Singh, TAI has contravened Regulation 31 & 32 read with 32-A of FCE (Staff) Regulations, 1971.”

21. The workman in his reply dated 21-1-2002 (6/50) stated that stock was accepted by him under strict supervision of four Asstt. Manager (QC). The stock No. RFC/3/9 were built with 2898 SBT= 145 out of these bags only two trucks of rice being 480 SBT were received by the workman and the rest were accepted by other TAs. He has further stated that samples were not analyzed at District lab Bareilly in his presence because he was posted at Purnapur at the relevant time. He further contended that minor variation i.e. 2.2% damage may come after several months. After considering the said reply the Disciplinary Authority has imposed penalty of reduction by one stage in present time scale of pay for one year.

22. The learned representative on behalf of the workman has contended that the penalty which has been imposed is major penalty under Regulation 54(v) of Regulation 1971 while the charge sheet has been given for minor penalty under Regulation 60 of staff Regulations as such impugned order dated 10-3-2003 is not legal, which reads as under :

"And whereas said Shri S.K. Singh TA I was given an opportunity to submit representation against the said memorandum. He submitted his representation dated 21-1-2003.

The Undersigned after careful and dispassionate examination of representation submitted by the C.O., contents of charge sheet, relevant documents and circumstances associated with the case has come to the conclusion that Shri S.K. Singh TAI is responsible for accepting BRL rice. In my opinion penalty of reduction by one stage in time scale of pay for one year will meet the ends of justice.

Now, therefore, the undersigned in exercise of powers conferred under Regulation 56 of FCI (Staff) Regulations, 1971 imposes penalty of reduction by one stage in present time scale of pay for one year upon Shri S.K. Singh TAI."

23. Admittedly, the penalty by impugned order dated 10-3-2002 has been imposed on the workman without holding any inquiry and it is evident from the statement of misconduct (6/49) and memo (6/48) that the charge sheet has been served under Regulation 60 of the Staff Regulations which is pertaining to procedure for minor penalties. Reduction by one stage in present time scale of pay for specified period is not a minor penalty. As per para (v) of Regulation 54, reduction by one stage in present time scale of pay for specified period is a major penalty and Sub clause (1) of Regulation 58 envisages that no order imposing any of the penalties specified in clauses (v) to (ix) of Regulation 54 shall be made except after an inquiry held; as far as may be, in the manner provided in this regulation and Regulation 59, therefore, there is substance in the contention of learned representative that under Regulation 60, major penalty cannot be imposed.

24. In the instant case, the charge sheet has been issued under Regulation 60 and major penalty of reduction to a lower scale in present time scale of pay for specified period has been imposed vide impugned order dated 10-03-2002 without following the procedure for imposing major penalty, therefore, impugned order is contrary to the provisions of said Regulation and illegal and the same is liable to be set aside.

25. Beside above illegalities, it is evident from a perusal of the impugned order that contentions raised by the workman in his reply have not been considered. The order is non-speaking, non-reasoned and passed in arbitrary manner without assigning any reason for disagreeing with the reply of the workman. The said order is in violation of Regulation 60(1)9(d) of the Regulation 1971. Therefore, on aforesaid grounds also the impugned order is liable to be set aside.

26. Resultantly, the reference under adjudication is answered as under :

- (i) Since the union has not pressed the question of validity of impugned order dated 04-05-2000 and satisfied with the penalty imposed in appeal against the said order, the workman is not entitled for any relief as regard said impugned order.
- (ii) The impugned order dated 03-05-2003 is unjustified, therefore, the same is set aside. If any amount has been recovered from the workman as penalty against the penalty imposed by said order, the same be refunded to the workman within 08 weeks of the publication of the award.
- (iii) The impugned order dated 10-03-2003 is illegal and not justified, therefore, the same is set aside. The workman will be entitled to consequential benefit, if any, due to setting aside of the said order.

27. Award as above.

Lucknow

28-05-2009

N. K. PUROHIT, Presiding Officer

नई दिल्ली, 4 जून, 2009

का. आ. 1810.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं न्युक्लियर पावर कॉर्पोरेशन, एम.ए.पी.पी. इम्प्लॉई कोऑपरेटिव केन्टीन के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 69/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-06-2009 को प्राप्त हुआ था।

[सं. एल-42012/129/2004-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 4th June, 2009

S. O. 1810.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 69/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Nuclear Power Corporation, MAPP Employee Co-operative Canteen and their workmen, received by the Central Government on 04-06-2009.

[No. L-42012/129/2004-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Thursday, the 28th May, 2009

Present : Shri A. N. Janardanan, Presiding Officer

Industrial Dispute No. 69/2005

(In the matter of the dispute of adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of MAPP Employee Co-operative Canteen, Nuclear Power Corporation and their workman)

BETWEEN

- | | |
|---|----------------------|
| Sri R. Muniyandi | 1 Party/Petitioner |
| Vs. | |
| 1. The manager (P&IR)
Nuclear Power Corporation,
Kalpakkam,
Kanchipuram-603102 | 1st Party/Respondent |
| 2. The Special Officer
MAPP Employee,
Co-operative Canteen,
Kalpakkam,
Kanchipuram-603102 | 2nd Party/Respondent |

APPEARANCES

- | | |
|------------------------|---|
| For the Petitioner | : Sri S.T. Varadarajulu |
| For the 1st Management | : M/s. Vijay Shankar,
Standing Counsel |
| For the 2nd Management | : Sri P. Shankarnarayanan |

AWARD

The Central Government, Ministry of Labour vide its order No. L-42012/129/2004 -IR(CM-II) dated 01-09-2005 referred the following Industrial Dispute to this Tribunal for adjudication.

The Schedule mentioned in that order is :

“Whether the action of MAPP Employees Co-operative Canteen and Nuclear Power Corporation in terminating the services of Sri R. Muniyandi w.e.f. 20-01-2004 is legal and justified? If not, to what relief he is entitled?”

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 69/2005 and issued notices to both sides. Both sides entered appearance through their advocates and filed their Claim Statement and Reply Statements as the case may be.

3. The averments in the Claim Statement are briefly as follows :

The petitioner-cook with 9 years continuous service in the Respondent Canteen was denied employment from

20-01-2004. There are about 2000 employees in Atomic Power Station at Kalpakkam under the control of Nuclear Power Corporation created in 1986. Until then, it was under the control of the Department of Atomic Energy right from the date of its establishment in 1976. Being a factory, a Canteen under Section-46 of the Factories Act was established with the employees alone as the consumers managed by a Managing Committee with the first Respondent as Chairman who nominates members to the Managing Committee from the names recommended by the registered union. The first Respondent approves every affair of the Canteen and he is the employer. The Canteen is run on no profit basis. The first Respondent provides everything for the Canteen and it is fully subsidized by him and foodstuffs are supplied at concessional rates. The employees of the Canteen are to be treated as employees of the first Respondent. The canteen is registered with Directorate of Canteens, New Delhi as a Departmental Canteen and is bound by instructions issued by the Deptt. of Personnel and Administrative Reforms of Union Government. On 07-02-1996, the first Respondent approved appointment of some employees of the Canteen w.e.f. 05-06-1991. Their pay-scales were fixed and service was approved and regularized except those of the petitioner and a few other employees. Initially he was paid Rs. 40 as daily wage and thereafter at the time of denial of employment was paid Rs. 104 per day paid all on a monthly basis. There are about 35 regular employees with fixed scales of pay. Under a notification dated 15-09-2000 for recruitment to various posts in the Canteen, though petitioner was an applicant, he was not selected. It is unfair. There was a writ filed as W.P. No. 29640/03 for regularization. Thereupon the Respondent showed their names under one Contractor; Mr. Punniakoti whom the petitioner never knew. The petitioner was given quarters and rent was deducted from his wages. In 2004 January, he was given gate pass through the Contractor. No one can enter the Respondent's area, a protected area without gate pass of the first Respondent. He was prevented from entering the work spot after getting his original pass surrendered. He was dismissed from service without following the procedure which is unfair, illegal and which amounts to retrenchment under the Industrial Disputes Act. It is without complying with the conditions under Section 25F of the ID Act, i.e. without issuance of one month's notice or notice pay or retrenchment compensation rendering the termination void ab initio and illegal. The petitioner had worked for more than 240 days in a year. The termination is opposed to Articles-14 and 16 of the Constitution. The retrenchment from a continuous employment is to deprive permanency and is mala fide and colorful exercise of powers. The termination is violative of natural justice, fair play and Article-21 of the Constitution. Without giving preference to him,

recruiting new employees is against Section-25H of the ID Act. His request for regularization has not been considered. The petitioner prays that he may be ordered to be reinstated with all attendant benefits.

3. The first and second respondents filed separate reply statements:

The first Respondent's contentions are as follows:

The Cooperative Canteen is a registered Cooperative Society with its own byelaws under the responsibility of a Special Officer appointed by a State Government Ordinance in 1995, Nuclear Power Corporation of India (NPCIL) under a decision regularized, 36 employees on the regular rolls of the Canteen w.e.f. 05-06-1991. The petitioner was not found on the regular rolls. The petitioner was not holding any post in the Canteen. He mostly performed jobs like housekeeping of areas in and around Canteen and also at times cleaning work inside the Canteen which work did not require any special skill. The petitioner was not selected in the recruitment since he had no minimum qualification. NPCIL is now reducing manpower in all its units. There is no Management Committee and the first Respondent is not the Chairman. The initial infrastructural support was provided by first Respondent as a welfare measure. The petitioner on his volition started to work with the Contractor mentioned by him. The petitioner has not worked continuously for 240 days. The petitioner left the service of the Corporation on his own volition.

4. The contentions raised by the second Respondent are similar to those of the first Respondent.

5. The points that arise for consideration are:

- (i) Whether the action of the Management in terminating the services of the petitioner is legal and justified?
- (ii) To what relief the petitioner is entitled?

Point No. 1

6. On the side of the petitioner WW1 was examined and exhibits W1 to W12 are marked. On the side of the Respondent, MW1 and MW2 were examined and exhibits M1 to M4 were marked.

7. In the written arguments submitted on behalf of the petitioner, it is contended that the denial of his employment from 20-01-2004 is unfair and illegal. It is not assigning any reason or after any enquiry. The termination amounts to retrenchment. He has had worked for more than 240 days in a year. It is without a notice or a notice pay or retrenchment compensation paid to him as stipulated under Section 25F of the ID Act thereby rendering the termination void abinitio and illegal. It is also assailed as being arbitrary and opposed to Article-14 and 16 of the Constitution and as unfair labour practice by employing workmen for some period to deny permanency

even when the work is of permanent and continuous nature. Further according to the petitioner even when he is validly retrenched, he should be given preference over other persons. After his termination new workmen were employed and that is violative of provision of section 25H of ID Act.

8. As against this it was argued on behalf of the Respondents that the petitioner was not appointed at my point of time. There is no employer-employee relationship between them. His appointment was only on hourly rated basis to perform jobs like housekeeping of areas in and around Canteen required depending upon the exigencies of work. It is pointed out that regarding the engagement of the petitioner under the Second Respondent Canteen, he has no consistent case. While it is stated in EX.W.1 and Ex. W2 that he was working from 1983 and 1987 and so on, his statement in his Claim Statement and Proof Affidavit is that his initial appointment was in 1995. Ex. W1 to Ex. W5 certificates produced by him cannot be relied upon. Regarding his occupation of quarters provided by the Respondent, no worthy or reliable evidence has been produced. Ex.W3 Service Certificate issued by the Special Officer of the Second Respondent Canteen does not show the period of his service exactly and is also not reliable. The same also only shows that he was working on hourly rated basis during strikes, independence day celebrations, etc. Ex.W4 also is also not convincing piece of evidence to support the case of the petitioner. Documents Ex.W5 to Ex.W12 do not show the number of days the petitioner has worked. None of these documents would show that the petitioner had worked for not less than a period of 240 days during any year of course with or without any permitted break. There is nothing to show that he has worked continuously for any given year of his claimed service under the Second Respondent Canteen.

9. Admittedly, the petitioner has not been selected when there was a recruitment process held to appoint persons under the Second Respondent Canteen for the reason that he has not had the qualifications. The petitioner's case is that there is no hostile relationship between him and the Respondent. Demonstrably there is no reason why the Respondent should deny employment to the petitioner.

10. The learned counsel for the petitioner relied on the decision of the Supreme Court in Santosh Gupta Vs. State Bank of India (1980 002-LLJ:0072-SC) where it is held that "*discharge of a workman on ground that she failed to pass the prescribed test for confirmation Would amount to retrenchment as defined under Section-2(oo) of the ID Act*". In this case the fact is that the petitioner did not possess the minimum qualification for selection. Therefore he was not selected. It is not a case of discharge for want of subsequent acquisition of test qualification and is an absence of basic qualification for selection. Therefore the above decision is not applicable to the facts

of this case. The petitioner has not succeeded in proving that he has had continuous service for not less than 240 days during any given year so as to entitle him to the benefits under Section-25F of the ID Act viz. notice, notice pay or retrenchment compensation. According to the Respondent the petitioner has not worked continuously for 240 days. He was not retrenched. He himself left the service of the Corporation on his own volition and joined a Contractor.

11. The specific case of the Respondent is that the petitioner never worked continuously. He was only appointed to work during the exigencies of work on specific occasions during specific spells of periods which were not lasting continuously. He was engaged only as a Casual Worker. He cannot be found to have become entitled to any right under Section-25F of the ID Act. He was not entitled to selection in the recruitment process held by the Corporation since evidently and as admitted by him, he has not had the required qualification. For the same reason when once the petitioner stands terminated from the employment, he cannot claim any preferential treatment over any other person subsequently selected who possessed the requisite qualification but which was not possessed by the petitioner. Since the petitioner failed to prove that he has specifically worked for not less than 240 days in a given period of 12 months, he is not entitled to any benefits under Section-25F of the ID Act. Therefore, it is only to be held that the action of the Management in terminating the services of the petitioner is only legal and justified and it is found so.

Point No. 2

12. In the light of above finding, the petitioner is not entitled to any relief.

13. The reference is answered accordingly.

(Dictated to the PA, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 28th May, 2009)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined :—

For the I Party/Petitioner : WW1, Sri R. Muniyandi

For the II Party/Management : MW1, Sri V. K. Potty
MW2, Sri V. Arumozhi

Documents Marked :—

From the Petitioner's side

Ex. No.	Date	Description
Ex.W1	—	Service Certificate issued to the petitioner
Ex.W2	01-12-1998	Service Certificate issued to the petitioner
Ex.W3	25-03-1998	Service Certificate issued to the petitioner
Ex.W4	27-09-2000	Service Certificate issued to the petitioner

Ex. No.	Date	Description
Ex.W5	30-11-2000	Service Certificate issued to the petitioner
Ex.W6	02-09-2002	Night shift and Holiday duty permission given to the petitioner
Ex.W7	07-10-2002	Night shift and Holiday duty permission given to the petitioner
Ex.W8	07-11-2002	Night shift and Holiday duty permission given to the petitioner
Ex.W9	14-02-2003	Night shift and Holiday duty permission given to the petitioner
Ex.W10	30-05-2003	Night shift and Holiday duty permission given to the petitioner
Ex.W11	28-06-2003	Night shift and Holiday duty permission given to the petitioner
Ex.W12	02-08-2003	Night shift and Holiday duty permission given to the petitioner

From the Management side :

Ex. No.	Date	Description
Ex.M1	29-04-2003	Renewal of licence by the competent authority in respect of the Contractor
Ex.M2	05-01-2004	Work Order issued to the Contractor.
Ex.M3	12-01-2004	Agreement between the Contractor and the 1st Respondent
Ex.M4	—	Photo pass for non-departmental personnel issued by CISF.

नई दिल्ली, 4 जून, 2009

क्र. अ. 1811.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं न्युक्लियर पावर कॉर्पोरेशन, एम.ए.पी.पी. इम्प्लाई कोऑपरेटिव कैंटीन के प्रबंधन के संबंध निम्नलिखित और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचकट (संदर्भ संख्या 70/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-06-2009 को प्राप्त हुआ था।

[सं. एल-42012/130/2004-आईआर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 4th June, 2009

S. O. 1811.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 70/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of Nuclear Power Corporation, MAPP Employee Co-operative Canteen and their workmen, received by the Central Government on 4-6-2009.

[No. L-42012/130/2004-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 28th May, 2009

Present : A. N. Janardanan, Presiding Officer

Industrial Dispute No. 70/2005

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of MAPP Employee Co-operative Canteen, Nuclear Power Corporation and their Workman).

BETWEEN

Sri M. Bhaskaran Ist Party/Petitioner
Vs.

- | | |
|----------------------------|------------|
| 1. The Manager (P& IR) | Ist Party |
| Nuclear Power Corporation | Respondent |
| Kalpakkam | |
| Kanchipuram-603102 | |
| 2. The Special Officer | 2nd Party/ |
| MAPP Employee Co-operative | Respondent |
| Canteen Kalpakkam Kanchi- | |
| puram-603102 | |

APPEARANCES

For the Petitioner Sri S. T. Varadarajulu
For the 1st Management : M/s. Vijay Shankar,
Standing Counsel
For the 2nd Management : Sri P. Shankarnarayanan

AWARD

The Central Government, Ministry of Labour vide its Order No. L-42012/130/2004-IR (CM-II) dated 01-09-2005 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of MAPP Employees Co-operative Canteen and Nuclear Power Corporation in terminating the services of Sri M. Bhaskaran w.e.f. 20-01-2004 is legal and justified? If not, to what relief he is entitled?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 70/2005 and issued notices to both sides. Both sides entered appearance through their advocates and filed their Claim Statement and Reply Statements as the case may be.

3. Both sides entered appearance through their advocates and filed their Claim Statement and Reply Statements as the case may be.

4. The averments in the claim Statement are briefly as follows:

The petitioner-cook with 11 years continuous service in the Respondent Canteen was denied employment from 20-01-2004. There are about 2000 employees in Atomic Power Station at Kalpakkam under the control of Nuclear Power Corporation created in 1986. Until then, it was under the control of the Department of Atomic Energy right from the date of its establishment in 1976. Being a factory, a Canteen under Section-46 of the Factories Act was established with the employees alone as the consumers managed by a Managing Committee with the first Respondent as Chairman who nominates members to the Managing Committee from the names recommended by the registered union. The first Respondent approves every affair of the Canteen and he is the employer. The Canteen is run on no profit basis. The first Respondent provides everything for the Canteen and it is fully subsidized by him and foodstuffs are supplied at concessional rates. The employees of the Canteen are to be treated as employees of the first Respondent. The Canteen is registered with Directorate of Canteens, New Delhi as a Departmental Canteen and is bound by instructions issued by the Deptt. of Personnel and Administrative Reforms of Union Government. On 7-2-1996, the first Respondent approved appointment of some employees of the Canteen w.e.f. 5-6-1991. Their pay-scales were fixed and service was approved and regularized except those of the petitioner and a few other employees. Initially he was paid Rs. 40/- as daily wage and thereafter at the time of denial of employment was paid Rs. 104/- per day paid all on a monthly basis. There are about 35 regular employees with fixed scales of pay. Under a notification dated 15-9-2000 for recruitment to various posts in the Canteen, though petitioner was an applicant, he was not selected. It is unfair. There was a writ filed as W.P. No. 29640/03 for regularization. Thereupon the Respondent showed their names under one Contractor, Mr. Punniakoti whom the petitioner never knew. The petitioner was given quarter and rent was deducted from his wages. In 2004 January, he was given gate pass through the Contractor. No one can enter the Respondent's area, a protected area without gate pass of the first Respondent. He was prevented from entering the work spot after getting his original pass surrendered. He was dismissed from service without following the procedure which is unfair, illegal and which amounts to retrenchment under the Industrial Disputes Act. It is without complying with the conditions under Section-25F of the ID Act, i.e. without issuance of one month's notice or notice pay or retrenchment compensation rendering the termination void ab initio and illegal. The petitioner had worked for more than 240 days in a year. The termination is opposed to Articles 14 and 16 of the Constitution. The retrenchment from a continuous employment is to deprive permanency and is mala fide and colorful exercise of powers. The termination is violative of natural justice, fair play and Article-21 of the Constitution. Without giving preference to him, recruiting new

employees is against Section-25H of the ID Act. His request for regularization has not been considered. The petitioner prays that he may be ordered to be reinstated with all attendant benefits.

5. The first and second respondents filed separate reply statements :

The first Respondent's contentions are as follows :

The Cooperative Canteen is a registered Cooperative Society with its own byelaws under the responsibility of a Special Officer appointed by a State Government ordinance. In 1995, Nuclear Power Corporation of India (NPCIL) under a decision regularized, 36 employees on the regular rolls of the Canteen w.e.f. 05-06-1991. The petitioner was not found on the regular rolls. The petitioner was not holding any post in the Canteen. He mostly performed jobs like housekeeping of areas in and around Canteen and also at times cleaning work inside the Canteen which work did not require any special skill. The petitioner was not selected in the recruitment since he had no minimum qualification. NPCIL is now reducing manpower in all its units. There is no Management Committee and the first Respondent is not the Chairman. The initial infrastructural support was provided by first Respondent as a welfare measure. The petitioner on his volition started to work with the Contractor mentioned by him. The petitioner has not worked continuously for 240 days. The petitioner left the service of the Corporation on his own volition.

6. The contentions raised by the second Respondent are similar to those of the first Respondent.

7. The points that arise for consideration are :

(i) Whether the action of the Management in terminating the services of the petitioner is legal and justified?

(ii) To what relief the petitioner is entitled ?

Point No. 1

8. On the side of the petitioner WW1 was examined and exhibits W1 to W16 are marked. On the side of the Respondent, MW1 and MW2 were examined and exhibits M1 to M4 were marked.

9. In the written arguments submitted on behalf of the petitioner, it is contended that the denial of his employment from 20-01-2004 is unfair and illegal. It is not assigning any reason or after any enquiry. The termination amounts to retrenchment. He has had worked for more than 240 days in a year. It is without a notice or a notice pay or retrenchment compensation paid to him as stipulated under Section 25F of the ID Act thereby rendering the termination void ab initio and

illegal. It is also assailed as being arbitrary and opposed to Article 14 and 16 of the Constitution and as unfair labour practice by employing workmen for some period to deny permanency even when the work is of permanent and continuous nature. Further according to the petitioner even when he is validly retrenched, he should be given preference over other persons. After his termination now, workmen were employed and that is violative of provision of 25H of ID Act.

10. As against this it was argued on behalf of the Respondents that the petitioner was not appointed at any point of time. There is no employer-employee relationship between them. His appointment was only on hourly rated basis to perform jobs like housekeeping of areas in and around Canteen required depending upon the exigencies of work. It is pointed out that regarding the engagement of the petitioner under the Second Respondent Canteen, he has no consistent case. Ex. W16 and Ex. W17 were issued for obtaining gate pass for employees. Ex. W1 to Ex. W5 cannot furnish reliable piece of evidence to support the claim of petitioner. Ex. W1 to Ex. W7 do not show actual number of days worked by the petitioner. Regarding his occupation of quarters provided by the Respondent, no worthy or reliable evidence has been produced. None of the documents shows the number of days the petitioner has worked. None of these documents would show that the petitioner had worked for not less than a period of 240 days during any year of course with or without any permitted break. There is nothing to show that he has worked continuously for any given year of his claimed service under the Second Respondent Canteen. The documents only tend to show that the petitioner actually worked only when there was more work demand.

12. Admittedly, the petitioner has not been selected when there was a recruitment process held to appoint persons under the Second Respondent Canteen for the reason that he has not had the qualifications. The petitioner's case is that there is no hostile relationship between him and the Respondent. Demonstrably there is no reason why the Respondent should deny employment to the petitioner.

13. The learned counsel for the petitioner relied on the decision of the Supreme Court in *Santosh Gupta Vs. State Bank of India* (1980-082-LLJ-0072-SC) where it is held that "discharge of a workman on ground that she failed to pass the prescribed test for confirmation would amount to retrenchment as defined under Section 2 (oo) of the ID Act". In this case the fact is that the petitioner did not possess the minimum qualification for selection. Therefore he was not selected. It is not a case of discharge for want of subsequent acquisition of test qualification and is an absence of basic qualification for

selection. Therefore the above decision is not applicable to the facts of this case. The petitioner has not succeeded in proving that he has had continuous service for not less than 240 days during any given year so as to entitle him to the benefits under Section-25F of the ID Act viz. notice, notice pay or retrenchment compensation. According to the Respondent the petitioner has not worked continuously for 240 days. He was not retrenched. He himself left the service of the Corporation on his own volition and Joined a Contractor.

14. The specific case of the Respondent is that the petitioner never worked continuously. He was only appointed to work during the exigencies of work on specific occasions during specific spells of periods which were not lasting continuously. He was engaged only as a Casual Worker. He cannot be found to have become entitled to any right under Section 25F of the ID Act. He was not entitled to selection in the recruitment process held by the Corporation since evidently and as admitted by him, he has not had the required qualification. For the same reason when once the petitioner's stands terminated from the employment, he cannot claim any preferential treatment over any other person subsequently selected who possessed the requisite qualification but which was not possessed by the petitioner. Since the petitioner failed to, prove that he has specifically worked for not less than 240 days in a given period of 12 months, he is not entitled to any benefits under Section 25F of the ID Act. Therefore, it is only to be held that the action of the Management in terminating the services of the petitioner is only legal and justified and it is found so.

Point No. 2

15. In the light of above finding, the petitioner is not entitled to any relief.

16. The reference is answered accordingly.

(Dictated to the PA, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 28th May, 2009)

A. N. JANARDANAN, Presiding Officer

Witnesses Examined :—

For the 1st Party/
Petitioner WW1, Sri M. Bhaskaran

For the II Party/
Management MW1, Sri V.K.Potty
MW2, Sri V.Arulmozhi

Documents Marked :—

From the Petitioner's side

Ex. No.	Date	Description
Ex.W1	—	Service Certificate issued to the petitioner (1993-94)
Ex.W2	—	Service Certificate issued to the petitioner (1994-95)

Ex. No.	Date	Description
Ex. W3	27-3-1996	Service Certificate issued to the petitioner
Ex. W4	25-3-1998	Service Certificate issued to the petitioner
Ex. W5	29-3-1999	Service Certificate issued to the petitioner
Ex. W6	31-3-1999	Service Certificate issued to the petitioner
Ex. W7	27-9-2000	Service Certificate issued to the petitioner
Ex. W8	30-11-2000	Night shift and Holiday duty permission given to the petitioner
Ex. W9	19-1-2001	Representation given by the petitioner for Regularization
Ex. W10	2-9-2002	Night shift and Holiday duty permission given to the petitioner
Ex. W11	7-10-2002	Night shift and Holiday duty permission given to the petitioner
Ex. W12	7-11-2002	Night shift and Holiday duty permission given to the petitioner
Ex. W13	14-2-2003	Night shift and Holiday duty permission given to the petitioner
Ex. W14	14-5-2003	Representation given by the petitioner for Regularization
Ex. W15	30-5-2003	Night shift and Holiday duty permission given to the petitioner
Ex. W16	28-6-2003	Night shift and Holiday duty permission given to the petitioner
Ex. W17	2-8-2003	Night shift and Holiday duty permission given to the petitioner
Ex. W18	—	Photo pass issued to the petitioner

On the Management's side

Ex. No.	Date	Description
Ex.M1	29-4-2003	Renewal of licence by the competent authority in respect of the Contractor
Ex.M2	5-1-2004	Work Order issued to the Contractor
Ex. M3	12-1-2004	Agreement between the Contractor and the 1st Respondent
Ex. M4	—	Photo pass for non-departmental personnel issued by CISF

नई दिल्ली, 4 जून, 2009

का. आ. 1812.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं एस.ई.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/64/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-6-2009 को प्राप्त हुआ था।

[सं. एल-22012/87/1992-आईआर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 04 th June, 2009

S. O. 1812.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/64/93) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL and their workmen, which was received by the Central Government on 4-6-2009.

[No. L-22012/87/1992-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR NO. CGIT/LC/R/64/93

Presiding Officer : Shri Mohd. Sakir Hasan

The General Secretary,
M.P. Koyla Mazdoor Sabha (HMS),
PO South Jhagrakhand Colliery,
Distt. Surguja (M.P.)

Workman/Union

Versus

Dy. General Manager/Sub Area Manager,
Ramnagar R/O Sub Area of SECL,
PO Ramnagar Colliery,
Distt. Shahdol (MP)

Management

AWARD

Passed on this 25th day of May, 2009

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/87/92-IR (C-II) dated 22-3-93 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the management of Ramnagar colliery of SECL, Distt. Shahdol (MP) in denying the regularisation of workers engaged through Shri Nandji, contractor is justified? If not, to what relief the concerned workmen are entitled to?”

2. The case of the applicant in short is that the workmen were engaged in construction of ventilation/

Isolation stopping in underground through a smoke screen contractor at Jhimar Colliery in permanent, perennial and regular nature of job. It is stated that under clause 11.5.0 of National Coal Wage Agreement-III & IV between Trade Unions and Management, it was agreed not to engage contract labour in permanent and perennial nature of work. It is stated that these workmen were also engaged in mining work as per Sec-2 (1)(j)(vi) of the Mines Act, 1952 and they had been paid sub-standard wages ranging from Rs.10-25 per day. Their services is said to have been utilised for the profit and business of the company. It is stated that these workmen were performing their duties under the supervision of the official of the SECL. Their attendance were marked by the staff of the company and payments were made by them. It is stated that their work also come under prohibited category of work as per Notification No. S.O. 488 dated 1-2-1975. It is stated that the workmen had worked for 240/190 days in a calendar year. It is submitted that the reference be answered in favour of the workmen.

3. The non-applicant/management contested the case by filing Written Statement in the case. The case of the management, interalia, is that the workers were not the members of MP Koyla Mazdoor Sabha (HMS) Union and the Union had no locus-standi to raise the dispute on their behalf. It is stated that the work of ventilation/Isolation stopping was not a perennial nature of work and it did not come within prohibited categories of work as notified by the Govt. It is stated that there was no relationship of Employer and Employee between the workmen of such contractors and with the management of SECL. The contractor was engaging less than 20 workers and therefore licence was not necessary and the contract Labour (R&A) Act 1970 was not applicable. It is denied that there was any supervision of the management and attendance was taken by the management's staff. It is denied that the workers had completed 240/190 days in a year and had been paid less wages. On these grounds, it is submitted that the reference be answered in favour of the management.

4. On perusal of the record, it appears that subsequently the workmen/union absented and therefore the case proceeded exparte against the workmen/Union on 5-7-07.

5. The management/non-applicant has adduced only oral evidence in the case M/W-1-T. Samuel is a Personnel Manager and was posted at Ramnagar (R.O) Sub Area. He has stated that General Secretary of the Union was not empowered to raise the dispute and there was no resolution. He has denied that there was any supervision by the Company officials on the work of contract labour and attendance had been marked by the company. He has also stated that they had not worked

for 240/190 days in a year. Regarding the payment of wages made by the contractor, he has stated about certain documents but the management has not filed those documents in this case. As such these parts of the evidence are not acceptable because when the existence of the documents are accepted, the oral evidence is not reliable in absence of those documents. Thus non-applicant/management has also failed to prove in absence of documents that the work was done by the contractor because the management has stated about the existence of the documents.

6. In the result, no dispute award is passed in this case.

7. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 4 जून, 2009

का. आ. 1813.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/202/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-6-2009 को प्राप्त हुआ था।

[सं. एल-22012/565/1994-आईआर(सी-II)]

अजय कुमारद गौड़, डेस्क अधिकारी

New Delhi, the 4th June, 2009

S. O. 1813.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. CGIT/LC/R/202/95) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 4-6-2009.

[No. L-22012/565/1994-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/202/95

Presiding Officer : Shri Mohd. Sakir Hasan

The General Secretary,
Chhattisgarh Khadan Karkhana
Mazdoor Union,
Bankimogra,
Post Bankimogra (MP)

...Workman/Union

Versus

Chief General Manager,
SECL, Gevra Area,
Post Gevra Pariyojana,
Distt. Bilaspur (MP)

...Management

AWARD

Passed on this 25th day of May, 2009

1. The Government of India, Ministry of Labour vide its Notification No.L-22012(565)94-IR(C-II) dated 24-11-95 has referred the following dispute for adjudication by this Tribunal:-

"Whether the following demands of Chhattisgarh Khadan Karkhana Mazdoor Union, Bilaspur regarding the membership placed before the management of South Eastern Coalfields Ltd., Gevra Area is justified?"

(i) to provide equal treatment without any discrimination to all the registered Trade Union operating in Gevra Area or to recognise only one Union which has majority of membership.

(ii) To deduct Rs.36 from the wages of 452 Union members listed from 1993 continuously and provide the same to the Union.

(iii) To refund Re. 1 deducted from the wages of 452 members of CKKMU every month and Rs. 15 deducted from the wages of members in May, 1993, and one day wages deducted in the month of October-1993 with interest @ 12%.

If yes, what relief the Union is entitled to?"

2. The case of the Applicant/Union in short is that in the Gevra Area of South Eastern Coal Fields Ltd. (in short referred here-in-after as SECL); there were seven Unions working namely-(2) National Colliery Workers Federation-Affiliated with N.L.O., (2) Samyukta Khadan Mazdoor Sangh-affiliated with (A.I.T.U.C.), (3) M.P.Koyla Mazdoor Sabha-affiliated with H.M.S., (4) M.P. Koyla Shramik Sangh-affiliated with C.I.T.U., (5) Chhattisgarh Khadan Karkhana Mazdoor Union-affiliated with U.T.U.C., (6) Central Labour Federation-affiliated with B.M.S. & (7) Rashtriya Koyla Khadan Mazdoor Sangh-affiliated with I.N.T.U.C. and all are affiliated with nationally recognized Trade Unions. The above named Trade Unions are registered under Madhya Pradesh Trade Regulation and are not recognized under "Code of Discipline or any other Act rather all are of same status. It is stated that SECL gives recognition to the above named Trade Unions except the applicant and gives all facilities to them. It is stated that SECL discriminates from other Unions and does not give any facility to the applicant Union. It is stated that it is a wrong plea of the management that United Trade Union Congress in short here-in-after referred as UTUC) is not a member of Joint Consultative Committee. As such the Management is not giving recognition to the applicant/Union. It is stated that National Colliery Workers Federation is affiliated with N.L.O. and this Union is also not member of Joint

12. To prove the point for consideration, the applicant Union has examined WW-1 Prem Das. He has stated that the applicant Union had given in a proforma (Exhibit W-18) authorisation letters with lists to the management to deduct Rs. 36 yearly from the pay of members and to provide the same to the Union. The said receiving copies of the lists are marked as Exhibit W-19 to W-25. He has further stated that Korba Area of SECL deducted the annual subscription of the applicant Union and provided the same to the extent of Rs. 12,348 to the Union. Bank receipt is filed which is marked as Exhibit W-26. This shows that one of the unit of SECL was recognising the applicant Union and his members on their authorisations. He has further stated that Gevra Area of SECL did not deduct the annual subscription of Rs. 36 of the members of the applicant Union inspite of authorisation letters. It appears from the evidence adduced on behalf of the applicant that there was no justification for refusing to deduct the amount of Rs. 36 and to provide to the Union when one of the unit of SECL, Korba Area was deducting the amount, and there was no justification to refuse the same by another unit of SECL.

13. On the other hand, the witness of the management MW-1 H.K. Jha has stated that the so called 452 members of CKKMU Union are of other Unions also which are covered under check off system where they have given authorisation to other Unions also to deduct early subscription. His evidence shows that he has not denied that authorisation letters were not filed before the management, rather Exhibit W-19 to W-25 support the case of the Union that the lists with authorisation letters were provided. Moreover the non-applicant management has not filed a single authorisation letter of the member of the CKKMU to show that authorisation letter of member of this Union had also given to another Union. The oral evidence of the management is not acceptable when it appears that there is existence of documentary evidence. Thus the case of the applicant Union is proved that inspite of authorisation letter of the members, the management had intentionally not deducted without any justification. This point is accordingly answered in favour of the Union/applicant.

14. The last point for consideration is as to whether the demand of CKKMU from the management of SECL area to refund Re. 1 deducted from the wages of 452 members of CKKMU every month and Rs. 15 deducted from the wages of members in May, 93 and the one day wages deducted in the month of October, 93 with interest @ 12% is justified.

15. The applicant Union has adduced evidence on the above point for consideration. WW-1 Prem Das has stated that Rs. 15 was deducted from the pay of May, 93 for drought relief fund but 115 members of his Union filed petition for not deducting the amount from their pay. The

photocopy of the petition signed by all the 115 members is filed which is marked as Exhibit W-27. The copy shows that the said petition is received by the management. This witness has filed his pay slip of the month of May, 1993 (Exhibit W-28) which shows that Rs. 16 was deducted from his pay. He has stated that the then Vice President of the applicant Union protested for deduction from the pay of the members and gave letter which is marked as Exhibit W-29 but it was not considered. He has stated that the management discussed with office bearer of the applicant Union on 20-10-93 and it was resolved to deduct Rs. 25 from the Pay of Oct.-93 for earthquake victims. The said minute is marked as Exhibit W-30. Accordingly Office order was passed which is Exhibit W-31. He has stated that in the same way, the management of SECL of Gevra area also deducted Rs. 25 from the pay of 452 members by passing an office order (Exhibit W-32) without informing the Union. The deduction of Rs. 25 appears to be justified by the management as the Secretary of the Office Bearer of the applicant Union interacted with the management and agreed for such deduction. He has stated that Sec.-7 of Payment of Wages Act, 1936 provides that without authorisation letter of the employees, the management cannot deduct any amount of the employees. It appears from the evidence of the applicant Union that the management had deducted Rs. 15 from the pay of the month of May, 93 and Re.1 per month from their pay without authorisation letters of the employees since there is a specific provision in Sec.-7 of Payment of Wages Act, 1936. That the deduction cannot be made without written authorisation of the employed person.

16. On the other hand, the management witness MW-1 Shri H.K. Jha has simply stated that the members have given authorisation to another unions for deduction of yearly subscriptions but there is no chit of paper to show that those members whose list is filed have given authorisation letter to other Unions. In absence of documentary evidence, his evidence is not trustworthy. He has further stated that it was decided in the JCC that the non-applicant will provide drought relief to the affected people. It appears that this decision of JCC is against the provision of Sec. 7 of the Payment of Wages Act, 1936. Since it is against the provision as such the wrong act of the management cannot be said to be justified simply because it was for pious purposes. Considering the entire evidence on record, it is evident that the demand of CKKMU from SECL, Gevra Area to refund Re. 1 deducted from the wages of 452 members every month and Rs. 15 deducted in May, 1993 is justified. This issue is answered in part in favour of the CKKMU.

17. In the result, I find and hold as follows :—

- (i) that the management of SECL, Gevra Area is directed to provide equal treatment to Chhattisgarh Khadan Karthana Mazdoor Union, Bilaspur as has been provided to other six aforesaid Unions.

(ii) that the aforesaid management is also directed to deduct Rs. 36 from the wages of 452 Union members listed from 1993 continuously and provide the same to the applicant Union. In case any member is either retired or died of the said list, the said member will be excluded.

(iii) that the aforesaid management is directed to refund Re. 1 deducted from the wages of 452 members and Rs. 15 deducted from the pay of May, 93 to the members of the applicant Union or to their heirs in case of retirement or death.

The said management is directed to comply the same within one month from the date of notification of the award failing which the applicant Union may take the recourse of the appropriate Court.

Accordingly the award is passed in favour of the applicant Union and against the non-applicant management without costs.

18. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer

नई दिल्ली, 5 जून, 2009

का.आ. 1814.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं डब्ल्यू. सी. एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 60/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-06-2009 को प्राप्त हुआ था।

[सं. एल-22012/344/2004-आईआर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 5th June, 2009

S.O. 1814.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 60/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between management of M/s. Western Coalfields Limited, and their workmen, received by the Central Government on 5-6-2009.

[No. L-22012/344/2004-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Date: 30-05-09

Case No. 60 / 2005

Sh. P. Modi, Joint Secretary,
Bhartiya Koyala Khadan Mazdoor
Sangh, M. P. (BMS), Viswakarma Bhavan,
Chhindwara.

... Party No. 1

Versus

The Director (Personnel),
M/s. coal field limited,
Coal Estate, Nagpur.

... Party No.2

AWARD

(29-5-2009)

The Central Government after satisfying the existence of dispute between Shri Kunwar Singh through Shri P. Modi, Joint Secretary, Bhartiya Koyla Khadan Mazdoor Sangh. M.P.(BMS), Vishwakarma Bhawan, Chhindwara, Party No.1 and the Director (Personnel), Western Coalfields Ltd., Coal Estate, Nagpur, Party No. 2, referred the same for adjudication to this Tribunal vide its letter No. L-22012/344/2004-IR (CM-II) dt. 20-7-2005 under clause (d) of sub-section (1) and sub section (2A) of Section 10 of Industrial dispute Act, 1947 (14 of 1947) with the following schedule :

2. "Whether the action of the Director (Personnel) of Western Coalfields Ltd., Nagpur (Maharashtra) by not giving a permanency to the workman Shri Kunwar Singh S/o Shri B. K. Singh, Roof Bolter Mazdoor, Category-II from January, 2001 as a Clerk Grade-II though he has completed 240 days from August, 1999 as a Clerk Grade-II. If not to what relief the workman is entitled to?"

3. Heard the counsels for the both parties, the petitioner Kunwar Singh, Telephone Lineman Helper on 15-05-2009 submitted a Pursoris saying that he does not want to proceed with this case. He wants to withdraw the same. Accordingly he is allowed to withdraw and the reference stands as dismissed. Hence this 'No Dispute Award' is passed.

Dated 29-5-2009

A. N. YADAV, Presiding Officer

नई दिल्ली, 8 जून, 2009

का.आ. 1815.— जबकि मैसर्स मितसुबीशी कॉर्पोरेशन इंडिया प्रा.लि., (दिल्ली) क्षेत्र में कोड संख्या डी.एल/1491 के अंतर्गत (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए उक्त अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं है और कर्मचारी भी समान प्रकृति के किसी अन्य प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त उक्त प्रतिष्ठान के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार एतद्वारा, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के प्रचलन से 30-9-1965 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/78/2009-एस.एस.-II]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 8th June, 2009

S.O. 1815.—Whereas M/s. Mitsubishi Corporation India Pvt. Ltd. [under Code No. DL/1491 in Delhi Region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby, exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 30-9-1965 until further notification.

[No. S-35015/78/2009-SS-II]

S. D. XAVIER, Under Secy.

नई दिल्ली, 8 जून, 2009

का.आ. 1816.—जबकि मैसर्स इंडियन रिन्यूबल एनर्जी डेवलपमेंट एजेंसी लि., दिल्ली (नॉर्थ) क्षेत्र में कोड संख्या डी. एल/12903 के अंतर्गत (एतदुपसन्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपसन्त प्रतिष्ठान के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए उक्त अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं है और कर्मचारी भी समान प्रकृति के

विशिष्ट अन्य प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम के कर्मचारी भविष्य निधि योजना, 1952 (एतदुपसन्त उक्त प्रतिष्ठान के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लान भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार एतद्वारा, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के प्रचलन से 1-3-1994 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/76/2009-एस.एस.-II]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 8th June, 2009

S.O. 1816.—Whereas M/s. Indian Renewable Energy Development Agency Ltd. [under Code No. DL/12903 in Delhi (North) Region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 1-3-1994 until further notification.

[No. S-35015/76/2009-SS-II]

S. D. XAVIER, Under Secy.

नई दिल्ली, 8 जून, 2009

का.आ. 1817.—जबकि मैसर्स नेशनल एग्रीकल्चरल को-ऑपरेटिव फार्मर्स कोऑरेसन ऑफ इंडिया लि., दिल्ली (साउथ) क्षेत्र में कोड संख्या डी.एल/1507 के अंतर्गत (एतदुपसन्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपसन्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए उक्त अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं है और कर्मचारी भी समान प्रकृति के किसी अन्य प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार एतद्वारा, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के प्रवर्तन से 01-06-1976 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/39/2009-एस.एस-II]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 8th June, 2009

S.O. 1817.—Whereas M/s. National Agricultural Co-operative Marketing Federation of India Ltd. [under Code No. DL/1507 in Delhi (South) Region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby, exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 01-06-1976 until further notification.

[No. S-35015/39/2009-SS-II]

S. D. XAVIER, Under Secy.

नई दिल्ली, 8 जून, 2009

का.आ. 1818.—जबकि मैसर्स इंजीनियर्स इंडिया लि., [दिल्ली (नार्थ) क्षेत्र में कोड संख्या डी.एल/2097 के अंतर्गत] (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19)

(एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए उक्त अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं है और कर्मचारी भी समान प्रकृति के किसी अन्य प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त उक्त प्रतिष्ठान के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार एतद्वारा, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के प्रवर्तन से 1-10-1977 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/72/2009-एस.एस-II]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 8th June, 2009

S.O. 1818.—Whereas M/s. Engineers India Ltd. [under Code No. DL/2097 in Delhi (North) Region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby, exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 1-10-1977 until further notification.

[No. S-35015/72/2009-SS-II]

S. D. XAVIER, Under Secy.

नई दिल्ली, 8 जून, 2009

New Delhi, the 8th June, 2009

का.आ. 1819.—जबकि मैसर्स विन मेडिकेयर प्राइवेट लि., दिल्ली [(साउथ) क्षेत्र में कोड संख्या डी.एल/6600 के अंतर्गत] (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन दिया है।

2. और जबकि, केन्द्र सरकार के विचार में अंशदान दर के मामले में उक्त प्रतिष्ठान के भविष्य निधि के नियम उसके कर्मचारियों के लिए उक्त अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कम हितकर नहीं है और कर्मचारी भी समान प्रकृति के किसी अन्य प्रतिष्ठान के कर्मचारियों के संबंध में उक्त अधिनियम या कर्मचारी भविष्य निधि योजना, 1952 (एतदुपरान्त उक्त प्रतिष्ठान के रूप में संदर्भित) के अंतर्गत अन्य भविष्य निधि लाभ भी प्राप्त कर रहे हैं।

3. केन्द्र सरकार एतद्वारा, अब उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों को ध्यान में रखते हुए, उक्त प्रतिष्ठान को उक्त योजना के समस्त उपबंधों के प्रचालन से 1-3-1987 से अगली अधिसूचना तक के लिए छूट प्रदान करती है।

[सं. एस-35015/68/2009-एस.एस-II]

एस. डी. जेवियर, अवर सचिव

S.O. 1819.—Whereas M/s. Win-Medicare Private Ltd. [under Code No. DL/6600 in Delhi (South) region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby, exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 1-3-1987 until further notification.

[No.S-35015/68/2009-SS-II]

S. D. XAVIER, Under Secy.